

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 10/15/2019 12:09:30 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Collaboration with States

Interesting.

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Monday, October 14, 2019 3:22 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: Fwd: Collaboration with States

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

Begin forwarded message:

From: "Comer, Carol" <Carol.Comer@dnr.mo.gov>
Date: October 14, 2019 at 10:45:02 AM EDT
To: "wheeler.andrew@epa.gov" <wheeler.andrew@epa.gov>
Cc: "jackson.ryan@epa.gov" <jackson.ryan@epa.gov>
Subject: Collaboration with States

Administrator Wheeler –

Ex. 6 Personal Privacy (PP) I was unable to attend the ECOS meeting in Seattle last month. And the letter that resulted from that meeting was the second letter that surprised me coming out of ECOS. It was clearly written in the heat of the moment while emotions were running high.

That said, I truly believe that continuing this dialog is essential to a productive relationship between EPA and the states.

I was hoping to set up a meeting with you and some of the states to discuss the recent events. I'd be happy to bring whichever states you are interested in hearing from (regardless of whether part of the ECOS leadership).

I will make myself available at your convenience.

Thank you for the efforts EPA has already made under your leadership toward rebalancing the state/federal relationship. I hope we can continue moving those efforts forward.

Very truly yours,

-Carol

Carol S. Comer
Director
Missouri Department of Natural Resources
carol.comer@dnr.mo.gov
(573) 522-6221
(573) 301-8623 (cell)
[@CarolSComer1](#)

ONE TEAM/ONE DNR

We'd like your feedback on the service you received from the Missouri Department of Natural Resources. Please consider taking a few minutes to complete the department's Customer Satisfaction Survey at <https://www.surveymonkey.com/r/MoDNRsurvey>. Thank you.

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/27/2019 5:00:58 PM
To: Toby Baker [Toby.Baker@tceq.texas.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: RE: ECOS Letter on State-Federal Cooperation

Thanks

From: Toby Baker <Toby.Baker@tceq.texas.gov>
Sent: Friday, September 27, 2019 12:59 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: Re: ECOS Letter on State-Federal Cooperation

Jon just left a voice message with Ryan and asked him to call him back.

Sent from my iPhone

On Sep 27, 2019, at 8:38 AM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Ryan Jackson - **202-379-8986**

Corry - **202-641-3186**

I've also cc'd them on this email. Thank you Toby.

From: Toby Baker <Toby.Baker@tceq.texas.gov>
Sent: Friday, September 27, 2019 9:35 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: Re: ECOS Letter on State-Federal Cooperation

We are stepping into one of our public meetings. We will meet afterwards to discuss a statement. Can you send me their contact info please? Thx.

Toby

Sent from my iPhone

On Sep 27, 2019, at 8:09 AM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Thanks Toby, I am going to be on a plane in about one hour from Seattle back to D.C. If you have a statement you would like to supply could you contact either Ryan Jackson, EPA's CoS or Corry, our comms director? I'll be back in D.C. about 5pm eastern. Thanks Toby.

From: Toby Baker <Toby.Baker@tceq.texas.gov>
Sent: Friday, September 27, 2019 8:58 AM

To: Benevento, Douglas <benevento.douglas@epa.gov>

Subject: Re: ECOS Letter on State-Federal Cooperation

I am discussing at 8 with the Chairman.

Sent from my iPhone

On Sep 26, 2019, at 11:19 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Toby my apologies, I sent this email and it was kicked back because I entered the email address incorrectly.

From: Donald Welsh <dwelsh@ecos.org>

Sent: Thursday, September 26, 2019 4:30 PM

To: Wheeler, Andrew <wheeler.andrew@epa.gov>

Cc: Carter, Brittany S. <carter.brittany@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Jim Macy <jim.macy@nebraska.gov>; keogh@adeq.state.ar.us; Patrick McDonnell <pmcdonnell@pa.gov>; Ben Grumbles <ben.grumbles@maryland.gov>

Subject: ECOS Letter on State-Federal Cooperation

Dear Administrator Wheeler,

Please see the attached letter, sent on behalf of the ECOS membership.

--

Donald S. Welsh

Executive Director

Environmental Council of the States

NOTE OUR NEW ADDRESS:

1250 H Street NW, Suite 850

Washington, DC 20005

202-266-4929

<ECOS Sept 26 2019 Letter to Administrator Wheeler.pdf>

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/27/2019 4:16:33 PM
To: Noah Valenstein [noah.valenstein@dep.state.fl.us]
Subject: Re: ECOS Letter to U.S. EPA on State-Federal Cooperation

Thank you

Sent from my iPhone

On Sep 27, 2019, at 9:15 AM, Valenstein, Noah <Noah.Valenstein@dep.state.fl.us> wrote:

FYI

From: "Valenstein, Noah" <Noah.Valenstein@dep.state.fl.us>
Date: Thursday, September 26, 2019 at 5:42 PM
To: Donald Welsh <dwelsh@ecos.org>
Subject: Re: ECOS Letter to U.S. EPA on State-Federal Cooperation

Donald,

The recent letter from ECOS does not represent Florida's view and is not a constructive method of expressing the concerns of others.

Please let me know how this is being addressed.

Thanks,
Noah

Get [Outlook for iOS](#)

From: Donald Welsh <dwelsh@ecos.org>
Sent: Thursday, September 26, 2019 4:31:24 PM
Subject: ECOS Letter to U.S. EPA on State-Federal Cooperation

Dear ECOS Members,

Please see the attached letter sent on behalf of the membership to Administrator Wheeler. We will send out a press release first thing tomorrow morning.

--

Donald S. Welsh
Executive Director
Environmental Council of the States
NOTE OUR NEW ADDRESS:
1250 H Street NW, Suite 850

Washington, DC 20005

202-266-4929



Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/28/2019 7:09:30 PM
To: Carter, Brittany S. [carter.brittanys@epa.gov]
CC: Douglas.L.Hoelscher; [Ex. 6]; Nicholas.D.Pottebaum; [Ex. 6]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Sara.E.Grove; [Ex. 6]
Subject: Re: Seeking comment on this ECOS letter

I'm available whenever you are, let me know what works for you

Sent from my iPhone

On Sep 28, 2019, at 2:23 PM, Carter, Brittany S. <carter.brittanys@epa.gov> wrote:

Doug, sorry to bother you on a Saturday. Wanted to connect you with our Associate Deputy Administrator, Doug Benevento. (He spoke at the Colorado State Day a few weeks ago!)

Would you be able to connect with him re: the ECOS letter before the governors conference call you mentioned? Doug B would like to walk you through some of the governors and specific asks. He's spoken with Don Welsh directly about the letter.

Thank you!

-Britt

On Sep 27, 2019, at 1:04 PM, Carter, Brittany S. <carter.brittanys@epa.gov> wrote:

Hi Doug,

Passing along EPA's response to the letter.

Thanks!

Britt

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Lee, Stephen" <stephenlee@bloombergenvironment.com>
Date: September 27, 2019 at 10:53:06 AM EDT
To: "Abboud, Michael" <abboud.michael@epa.gov>, Press <Press@epa.gov>
Subject: RE: Seeking comment on this ECOS letter

Perfect. Thanks, Michael.

Stephen Lee
Reporter
Bloomberg Environment
Direct: 703-341-3698
Mobile: 202-297-7249
Twitter: @sklee_ca
stephenlee@bloombergenvironment.com

From: Abboud, Michael [<mailto:abboud.michael@epa.gov>]
Sent: Friday, September 27, 2019 10:52 AM
To: Lee, Stephen <stephenlee@bloombergenvironment.com>; Press <Press@epa.gov>
Subject: RE: Seeking comment on this ECOS letter

Response to ECOS Letter to EPA Administrator Wheeler

The Trump Administration's Environmental Protection Agency has worked with individual State Departments of Environmental Quality in a manner unlike the previous Administration, and it will continue to consistently work with states on issues the previous Administration ignored, such as approval of state air and water quality plans and cleaning some of the worst contaminated sites.

Under the Trump Administration, EPA inherited a backlog of 700 unacted upon State Implementation Plans (SIPs) that States use to set clean air standards, including the 127 SIPs California submitted to EPA. Of those from California, not one plan resulted in California reaching attainment with air quality standards. In fact, with 127 backlogged SIPs, California has by far the largest backlog of any state in the nation. Of the more than 700 SIPs EPA inherited from the previous Administration, the Agency has been able to take actions on over 400 since President Trump took office.

The previous Administration imposed more than 50 Federal Implementation Plans (FIPs) on States. That is 10 times the number of FIPs imposed by the three previous administrations combined. President Trump's EPA has been working since day one to convert these FIPs back to SIPs, averaging almost one FIP-to-SIP per month since March 2017.

EPA has made it a priority to restore the appropriate balance between federal and state management of water resources within state borders. Since January 2017, EPA has approved 231 state water quality standards and has reduced its backlog of outstanding actions by approximately 20 percent. Since January 2017, EPA has approved more than 5,000 state Total Maximum Daily Loads (TMDLs) submitted by states. EPA has acted on approximately 70 lists of impaired waters submitted by states, nearly eliminating the backlog of state submittals that had developed under the last administration.

Since January 2017, approximately 110 waterbodies have been partially or fully restored through Section 319 grant program projects, and 590 new projects have been initiated through EPA funding. EPA has stood up the WIFIA program and has closed 12 WIFIA loans, totaling more than \$3 billion in investments to help finance over \$7 billion in new infrastructure. In the last two years, the Clean Water and Drinking Water State Revolving Funds have financed approximately \$20 billion in 4,500 new water quality projects.

In February 2019, EPA issued a new policy to incentivize state water quality trading programs, reducing impediments instituted by prior administrations, allowing for market-based mechanisms. Additionally, EPA issued a policy directive to the Regional Administrators in June 2019 designed to expedite review

of state water quality standard submissions while ensuring EPA complies with Clean Water Act statutory deadlines.

Last year, EPA deleted all or part of 22 sites from the National Priorities List, the largest number of deletions in one year since 2005. This year, EPA is on track to complete even more sites. Each year EPA has awarded millions in Brownfield grants to local recipients further cleaning up contaminated sites in our communities restoring them new economic vitality. In June, EPA awarded over \$64 million in new investments to 149 communities across the Nation through our Brownfields Multipurpose, Assessment and Cleanup Grants. Forty-percent of the selected communities are receiving Brownfields funding for the first time, which means that we are reaching communities that have not been reached before.

On these and many other issues important to States, EPA will continue to work directly with State Departments of Environmental Quality on issues important to assist them in their missions to protect human health and the environment. EPA's senior leadership has been meeting at the Environmental Council of the States (ECOS) conference this week in Seattle and found these meeting to have been productive. EPA believes it fulfills ECOS' request in its statement today.

When a State fails to safeguard the health of their citizens, the EPA has and will step in to fill that void, whether it is ensuring that States submit SIPs which show attainment, fulfill their obligations under delegated water programs, or provide safe sources of drinking water when contaminants are present.

###

Contrary to the assertions in the ECOS letter, the following States said:

Becky Keogh, Secretary of Arkansas Department of Energy and Environment and Immediate past president of ECOS:

Our relationship with EPA is much improved from previous years. Our relationship has been collaborative with respect to both process and substance. In particular we have appreciated EPA's work on WOTUS and other policy matters important to Arkansas. I hope to see the states and EPA continue to partner effectively in our collective efforts and commitment to lasting and impactful environmental protection.

Noah Valenstein, Secretary of Florida Department of Environmental Protection:

Florida has a strong working relationship with EPA, a relationship that is much improved over the past several years. We appreciate EPA's collaborative approach to issues, and we look forward to working with them to address key environmental issues important to Florida.

Gary Rikard, Executive Director, Mississippi Department of Environmental Quality, ECOS member:

Over the past three years the State of Mississippi's relationship with EPA has improved and continues to improve. We have been more engaged with EPA on

issues that are important to the people of Mississippi and they have been an important partner in protecting and improving public health and the environment in my State. EPA has treated the State as a partner and we have been pleased with the policy outcomes that have resulted from that collaboration. We look forward to working with EPA in the same manner in the years to come.

Austin Caperton, West Virginia Department of Environmental Protection and ECOS Member:

The State of West Virginia has appreciated the strong working relationship we have had with EPA over the past couple of years. We have worked together jointly on numerous issues and have always appreciated EPA's accessibility and the policy outcomes that have benefited the people of West Virginia our environment. There has been a strong partnership between our Governor and the executive branch of the United States government. We look forward to building upon this positive relationship moving forward.

Todd Parfitt, Director, Wyoming Department of Environmental Quality:

Wyoming's experience with EPA is positive and is more collaborative than it has been for many years. We have worked cooperatively together on numerous issues, including our ground- breaking self-audit MOA, the Waters of the United States Rule, regional haze and more. Importantly, through implementation of cooperative federalism principles, we have significantly improved our relationship with EPA. I look forward to our continued efforts to enhance state/EPA collaboration and advance our joint goal of protecting human health and the environment.

###

From: Lee, Stephen <stephenlee@bloombergenvironment.com>

Sent: Friday, September 27, 2019 10:49 AM

To: Abboud, Michael <abboud.michael@epa.gov>; Press <Press@epa.gov>

Subject: Seeking comment on this ECOS letter

Hey Michael. I've been asked to write up this letter today. Please let me know if you guys have any comment. I'm on deadline for 1:30.

Thanks,

Stephen Lee

Reporter

Bloomberg Environment

Direct: 703-341-3698

Mobile: 202-297-7249

Twitter: @sklee_ca

stephenlee@bloombergenvironment.com

From: Lia Parisien [<mailto:lparisien@ecos.org>]

Sent: Friday, September 27, 2019 10:04 AM

To: Lia Parisien <lparsien@ecos.org>

Subject: ECOS Issues Statement on the Importance of State-Federal Cooperation

Environmental Reporter:

Please see the attached statement issued yesterday by the Environmental Council of the States at its 2019 Fall Meeting in Seattle, Washington. If you have questions, contact ECOS Executive Director Don Welsh at dwelsh@ecos.org.

Regards,

--

Lia Parisien
Executive Project Manager
Environmental Council of the States (ECOS)
(202) 266-4931
www.ecos.org

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/27/2019 4:49:44 PM
To: Deziel, Dennis [Deziel.Dennis@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Servidio, Cosmo [servidio.cosmo@epa.gov]; Walker, Mary [walker.mary@epa.gov]; Stepp, Cathy [stepp.cathy@epa.gov]; McQueen, Ken [McQueen.Ken@epa.gov]; Gulliford, Jim [gulliford.jim@epa.gov]; Sopkin, Gregory [sopkin.gregory@epa.gov]; Stoker, Michael B. [stoker.michael@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]
CC: Regional_Chiefs_of_Staff [Regional_Chiefs_of_Staff@epa.gov]; Megan Garvey (garvey.megan@epa.gov) [garvey.megan@epa.gov]; Cheatham-Strickland, Latonia [Cheatham-Strickland.Latonia@epa.gov]; Eng, Connie [Eng.Connie@epa.gov]
Subject: FW: Thank you
Attachments: ECOS response.docx

Attached please find our response to the ECOS statement. We are expecting more states to sign on. The statement won't be released proactively but will instead will be released to outlets requesting comment. At this point we have received one inquiry which I think came from PoliticoPro.

Thanks

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Friday, September 27, 2019 10:10 AM
To: davis@adeq.state.ar.us; austin.caperton@wv.gov
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Thank you

Thank you for contributing to our response to the letter from ECOS to EPA Administrator Wheeler.

Attached is what we have at this time. I expect Doug will be sending me more quotes from more States to add.

This is only being used in response to inquiries, we have not proactively released this statement. When/if we do, we will follow up with another email to let you know.

Please let us know if you have any questions.

Thank you!

Corry Schiermeyer
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
Schiermeyer.corry@epa.gov
202-564-6782

Response to ECOS Letter to EPA Administrator Wheeler

The Trump Administration's Environmental Protection Agency has worked with individual State Departments of Environmental Quality in a manner unlike the previous Administration, and it will continue to consistently work with states on issues the previous Administration ignored, such as approval of state air and water quality plans and cleaning some of the worst contaminated sites.

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Since January 2017, approximately 110 waterbodies have been partially or fully restored through Section 319 grant program projects, and 590 new projects have been initiated through EPA funding. EPA has stood up the WIFIA program and has closed 12 WIFIA loans, totaling more than \$3 billion in investments to help finance over \$7 billion in new infrastructure. In the last two years, the Clean Water and Drinking Water State Revolving Funds have financed approximately \$20 billion in 4,500 new water quality projects.

In February 2019, EPA issued a new policy to incentivize state water quality trading programs, reducing impediments instituted by prior administrations, allowing for market-based mechanisms. Additionally, EPA issued a policy directive to the Regional Administrators in June 2019 designed to expedite review of state water quality standard submissions while ensuring EPA complies with Clean Water Act statutory deadlines.

Last year, EPA deleted all or part of 22 sites from the National Priorities List, the largest number of deletions in one year since 2005. This year, EPA is on track to complete even more sites. Each year EPA has awarded millions in Brownfield grants to local recipients further cleaning up

contaminated sites in our communities restoring them new economic vitality. In June, EPA awarded over \$64 million in new investments to 149 communities across the Nation through our Brownfields Multipurpose, Assessment and Cleanup Grants. Forty-percent of the selected communities are receiving Brownfields funding for the first time, which means that we are reaching communities that have not been reached before.

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When a State fails to safeguard the health of their citizens, the EPA has and will step in to fill that void, whether it is ensuring that States submit SIPs which show attainment, fulfill their obligations under delegated water programs, or provide safe sources of drinking water when contaminants are present.

###

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Our relationship with EPA is much improved from previous years. Our relationship has been collaborative with respect to both process and substance. In particular we have appreciated EPA's work on WOTUS and other policy matters important to Arkansas. I hope to see the states and EPA continue to partner effectively in our collective efforts and commitment to lasting and impactful environmental protection.

Noah Valenstein, Secretary of Florida Department of Environmental Protection:

Florida has a strong working relationship with EPA, a relationship that is much improved over the past several years. We appreciate EPA's collaborative approach to issues, and we look forward to working with them to address key environmental issues important to Florida.

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Austin Caperton, West Virginia Department of Environmental Protection and ECOS Member:

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###

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/30/2019 8:10:49 PM
To: Khoury, Weesam [Weesam.Khoury@FloridaDEP.gov]
CC: Reed, Leslie A [Leslie.A.Reed@floridadep.gov]
Subject: RE: Response
Attachments: ECOS response.docx

This document has been released. It is our public response to the ECOS letter.

From: Khoury, Weesam <Weesam.Khoury@FloridaDEP.gov>
Sent: Monday, September 30, 2019 3:29 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: Response

Douglas,
Following up on the below statement provided by DEP Secretary Valenstein and Dee Ann Miller. Has this correspondence been released yet? If so, could you forward me a copy?

Thank you!



Weesam Khoury
Florida Department of Environmental Protection
Deputy Press Secretary
Weesam.Khoury@floridadep.gov
Office: 850.245.2119

From: Miller, Dee Ann <Dee.Ann.Miller@dep.state.fl.us>
Sent: Monday, September 30, 2019 3:17 PM
To: Khoury, Weesam <Weesam.Khoury@FloridaDEP.gov>
Subject: Fwd: Response

Sent from my iPhone

Begin forwarded message:

From: "Benevento, Douglas" <benevento.douglas@epa.gov>
Date: September 26, 2019 at 10:07:39 PM EDT
To: "Miller, Dee Ann" <Dee.Ann.Miller@dep.state.fl.us>
Subject: Re: Response

Perfect thank you

Sent from my iPhone

On Sep 26, 2019, at 6:58 PM, Miller, Dee Ann <Dee.Ann.Miller@dep.state.fl.us> wrote:

Good Evening,

I am not sure if the Secretary had an opportunity to follow back up with you yet or not, so I wanted to reach out.

We are happy to offer a quote of support.

We would recommend perhaps a lead in of . . . Contrary to the assertions in the ECOS letter, the following states said:

Florida Department of Environmental Protection Secretary Noah Valenstein said, "Florida has a strong working relationship with EPA, a relationship that is much improved over the past several years. We appreciate EPA's collaborative approach to issues and we look forward to working with them to address key environmental issues important to Florida."

Please let us know if there is anything we can do to further assist.

Dee Ann Miller
Communications Director
Florida DEP

Sent from my iPad

Begin forwarded message:

From: "Valenstein, Noah" <Noah.Valenstein@dep.state.fl.us>
Date: September 26, 2019 at 6:31:52 PM EDT
To: "Miller, Dee Ann" <Dee.Ann.Miller@dep.state.fl.us>
Subject: FW: Response

From: "Benevento, Douglas" <benevento.douglas@epa.gov>
Date: Thursday, September 26, 2019 at 6:24 PM
To: "Valenstein, Noah" <Noah.Valenstein@dep.state.fl.us>
Subject: Response

Noah, we would add a paragraph noting that we have support from states, and that add in quotes.

Per your direction on what a quote from you would look like I would offer the following;

I disagree with the ECOS letter, Florida has a strong working relationship with EPA, a relationship that is much improved over the past several years. We appreciate EPA's collaborative approach to issues and we look forward to working with them to address key environmental issues important to Florida.



<ECOS response.docx>



Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 11/27/2019 5:43:10 PM
To: Bpigott@idem.in.gov
Subject: Meeting in D.C.

Secretary Pigott,

On December 10 EPA will be hosting a meeting with several states to discuss EPA-state issues. As we discussed at the recent ECOS meeting the relationship between the states and the federal government is crucial to the effective implementation of environmental programs. We would like to better understand Indiana's thoughts on the status of that relationship, what is working well and what can be improved. A more detailed agenda will be forthcoming next week but I anticipate it will include a couple of presentations from EPA staff on our efforts to work with states and plenty of time for an exchange of views on the topic.

Leading the meeting for EPA will be myself and the Agency's Chief of Staff Ryan Jackson. I anticipate the meeting will last for a couple of hours and there will likely be some follow-up.

If you have questions or need more information please feel free to let me know.

Best,

Doug

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 12/3/2019 6:18:32 PM
To: Bodine, Susan [bodine.susan@epa.gov]
Subject: RE: Case Study in Lack of Cooperation: Morenci School District in Arizona

I'll make sure you are.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, December 3, 2019 12:43 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: Case Study in Lack of Cooperation: Morenci School District in Arizona

Yes

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Tuesday, December 3, 2019 11:03 AM
To: Bodine, Susan <bodine.susan@epa.gov>
Subject: FW: Case Study in Lack of Cooperation: Morenci School District in Arizona

Should you be involved in this discussion?

From: Wright, Peter <wright.peter@epa.gov>
Sent: Tuesday, December 3, 2019 9:38 AM
To: Cabrera.misael@azdeq.gov
Cc: Cook, Steven <cook.steven@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: Case Study in Lack of Cooperation: Morenci School District in Arizona

Misael

Doug, Steven and I have not had a chance to speak together regarding your email from last week due to the holiday. This is a priority and we will be contact with you this week.

Peter

Peter C. Wright
Assistant Administrator
Office of Land and Emergency Management
1301 Constitution Ave
202-566-0200

From: Misael Cabrera <cabrera.misael@azdeq.gov>
Sent: Wednesday, November 27, 2019 5:56 PM
To: Wright, Peter <wright.peter@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: Case Study in Lack of Cooperation: Morenci School District in Arizona

Dear Doug, Peter, and Steve:

I received a copy of the e-mail below and briefing from my staff after I spoke to Doug earlier today and I thought it opportune to escalate immediately. I am going to recap the Morenci School issue that I previously brought to your attention as indicative of the lack of cooperation between Region 9 and Arizona. From Arizona's perspective, the recent and unfortunate ECOS letter was rooted in part in fear, but also in frustration regarding Regional decisions that seem to be supported by HQ (see e-mail below). In short, we simply do not believe this sort of behavior is indicative of cooperative federalism.

Background

- In January 2018, a Phoenix-based NGO, Don't Waste Arizona (DWA), petitioned EPA Region 9 to conduct Superfund (CERCLA) investigation in the town of Clifton-Morenci. EPA conducted a Preliminary Assessment (PA) that focused on the public schools in Morenci, where DWA raised concerns that the schools were built on top of former mine tailings. Based on the information in the PA, EPA is moving forward with a Site Investigation.
- Through ADEQ's Voluntary Remediation Program (VRP), Freeport McMoRan (FMI) has a successful history with conducting town cleanups across their mining locations to address impacts from historic smelter operations (see attached successes). FMI has an approved VRP application for Clifton and Morenci that is next in line to be addressed. FMI has agreed to accelerate their schedule specifically to address the school.
- ADEQ believes this site should be managed under the VRP Program instead through the CERCLA process. The School Superintendent recently sent a letter to EPA stating that they would prefer that any investigative and remedial actions (if necessary) remain under ADEQ's management.
- EPA Region 9 is not inclined to allow ADEQ to manage the site through VRP; however, in response to the letter from the School District, EPA Region 9 is contemplating entering into a Cooperative Agreement (CA) with ADEQ to manage the site. Unfortunately, the CA requires the site to follow the CERCLA process versus ADEQ's goal of using VRP. In addition, we are told that the CA would take 2-3 months to establish.
- **Region 9 told my staff today that if the school does not grant them access, they are going to start drafting an administrative order!**
- VRP is a powerful tool that allows companies to do the right thing in an expedited fashion with ADEQ oversight. It rewards cooperative responsible parties by avoiding the stigma, litigation, and outright waste of most traditional clean-up programs, especially CERCLA.
- We have told Region 9 that we are willing to share all information and data with them and that the entire process will be transparent. **In return, they filed a public records request to scrutinize a program that they simply object to; in my view, due to a specific and palpable world-view that only the Federal Government can protect the environment well and that responsible parties are not to be trusted.**

Key Considerations

- Arizona is not a State that believes that cooperative federalism means that US EPA should never exercise its federal mandates within States.
- We have requested Region 9's help in a multitude of matters including defeat device detection, the West VanBuren State Clean-up site and PFAS at Davis Monthan AFB and Arizona Air National Guard (TIAA CERCLA Site).
- From Region 9's other programs, we have seen a consistent willingness to problem-solve and collaborate. From the CERCLA program, however, what we see is slow response to major

issues like a PFAS plume that is impacting the City of Tucson's drinking water supply, and in the case of West Vanburen, bureaucratic calisthenics to avoid expanding an existing CERCLA site that is clearly hydrologically and chemically connected to a State Clean-up site.

- **What we also see from Region 9 CERCLA is a willingness to threaten an Administrative Order on a school district when our State could easily address the issue.** It's hard to imagine worse behavior during any previous Regional Administration.

Request

- We are requesting US EPA's help with the DOD for a massive PFAS plume in Tucson (10,000+ ppt of PFAS)
- We are requesting help with West Vanburen which is physically and chemically indistinguishable from the Motorola 52nd Street NPL site plume
- We are requesting to be trusted to continue a successful voluntary program that rewards companies for doing the right thing (see attached successes)
- We request that Region 9 stop its approach of coercing access from the Morenci School District (see attached letter from the school superintendent)

Respectfully,

Misael Cabrera, PE
Director, Arizona Department of Environmental Quality

----- Forwarded message -----

From: **Clements, Mindy** <clements.mindy@epa.gov>

Date: Fri, Nov 15, 2019 at 12:35 PM

Subject: Next steps for Morenci Schools - ADEQ reply requested by COB 11/19

To: Tina LePage <lepage.tina@azdeq.gov>

Cc: Ramirez, Leslie <Ramirez.Leslie@epa.gov>, Duncan, Will <Duncan.Will@epa.gov>, Herrera, Angeles <Herrera.Angeles@epa.gov>, LEE, LILY <LEE.LILY@epa.gov>

Hi Tina,

Hope you are well. I wanted to reach out to you regarding a letter the Site Assessment office received from Dr. David Woodall from the Morenci Unified School District. They have requested and indicated that "moving forward, it would be our preference that the Arizona Department of Environmental Quality lead" the process of the soil sampling that is a follow-up to the Preliminary Assessment. I have checked with the EPA headquarters Office of Superfund Remediation and Technology Innovation on the best recommendation to proceed. The EPA HQ listing office today responded that based on EPA regulations, in order for the State to perform the functions required under a CERCLA Site Inspection (SI), the State of Arizona has to request participation under the Cooperative Agreement to perform the SI at the Morenci Schools site as a site-specific cooperative agreement. In order to respond to the Morenci School District, I am kindly asking for a response from you on behalf of ADEQ as to whether the State of Arizona is interested in requesting a site-specific cooperative agreement for the Morenci Schools site and the timeframe ADEQ needs to submit the required support documents, including Quality Assurance plans, to EPA for approval. The reply from ADEQ is requested by COB 11/19.

Thank you,

Mindy Clements

US EPA R9 SFD Site Assessment & Tech Support

415-972-3169 W 415-308-4154 M

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 12/4/2019 10:14:11 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]
CC: Megan Garvey (garvey.megan@epa.gov) [garvey.megan@epa.gov]
Subject: FW: Clarification Letter from ECOS
Attachments: Letter to U.S. EPA jm 12-4-19.pdf

FYI. Let's talk tomorrow about this.

From: Macy, Jim <jim.macy@nebraska.gov>
Sent: Wednesday, December 4, 2019 4:35 PM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Donald Welsh <dwelsh@ecos.org>; Aaron Keatley <keatleya@michigan.gov>; Ameko Pato <ameko.pato@epa.as.gov>; Austin Caperton <austin.caperton@wv.gov>; Basil Seggos <basil.seggos@dec.ny.gov>; Ben Grumbles <ben.grumbles@maryland.gov>; bpigott <bpigott@idem.in.gov>; Carol Comer <carol.comer@dnr.mo.gov>; Catherine McCabe <catherine.mccabe@dep.nj.gov>; Chuck Brown <chuck.brown@la.gov>; Clark <clarkl20@michigan.gov>; Clark Freise <clark.freise@des.nh.gov>; Crowell <bcrowell@dcnr.nv.gov>; Darsi Foss <darsi.foss@wisconsin.gov>; David Paylor <david.paylor@deq.virginia.gov>; David Salyers <david.salyers@tn.gov>; Ed Galbraith <ed.galbraith@dnr.mo.gov>; Ed Tormey <ed.tormey@dnr.iowa.gov>; Eileen Murphy <eileen.murphy@dec.ny.gov>; Emily Boedecker <emily.boedecker@vermont.gov>; Gary Rickard <grickard@mdeq.ms.gov>; dglatt@nd.gov; Greg Young <Greg.young@tn.gov>; Lance R. LeFleur <llefleur@adem.alabama.gov>; James Kenney <james.kenney@state.nm.us>; Janet Coit <janet.coit@dem.ri.gov>; Jared Blumenfeld <jared.blumenfeld@calepa.ca.gov>; Jason Brune <jason.brune@alaska.gov>; Jerry Reid <jerry.reid@maine.gov>; jess.byrne@deq.idaho.gov; Jill Hunsaker Ryan <jill.hunsakerryan@state.co.us>; jim macy <jim.macy@nebraska.gov>; Jim Rizk <jim.rizk@tceq.texas.gov>; John J. Kim <john.j.kim@illinois.gov>; John Putnam <john.putnam@state.co.us>; john.tippets@deq.idaho.gov; Jon Niermann <jon.niermann@tceq.texas.gov>; JP Oriol <jp.oriol@dpnr.vi.gov>; Julie Moore <julie.moore@vermont.gov>; Katie Dykes <katie.dykes@ct.gov>; keith.kawaoka@doh.hawaii.gov; Kenneth Wagner <kenneth.wagner@ee.ok.gov>; keogh@adeq.state.ar.us; Laura Bishop <laura.bishop@state.mn.us>; Lauren Curry <lauren.curry@dnr.ga.gov>; Laurie Stevenson <laurie.stevenson@epa.ohio.gov>; Leo Henning <leo.henning@ks.gov>; glovato@ndep.nv.gov; Lynn Kent <lynn.kent@alaska.gov>; Maia Bellon <maia.bellon@ecy.wa.gov>; Martin Suuberg <martin.suuberg@mass.gov>; Michael Keyack <keyack.michael@azdeq.gov>; Michael Regan <michael.regan@ncdenr.gov>; Cabrera.misael@azdeq.gov; Noah Valenstein <noah.valenstein@dep.state.fl.us>; P McDonnell <pmcdonnell@pa.gov>; Peter Walke <peter.walke@vermont.gov>; Preston Cole <preston.cole@wi.gov>; reecemc@dhec.sc.gov; Richard Dunn <richard.dunn@dnr.ga.gov>; Richard Whitman <whitman.richard@deq.state.or.us>; Robert Scott <robert.scott@des.nh.gov>; Robert.Zimmerman@delaware.gov; Scott Baird <scottbaird@utah.gov>; Scott G. Mandirola <scott.g.mandirola@wv.gov>; Scott Thompson <scott.thompson@deq.ok.gov>; Serena McIlwain <serena.mcilwain@calepa.ca.gov>; Shaun McGrath <shaun.mcgrath@mt.gov>; Shawn Garvin <shawn.garvin@delaware.gov>; Sheila Holman <sheila.holman@ncdenr.gov>; Toby Baker <toby.baker@tceq.texas.gov>; Todd Parfitt <todd.parfitt@wyo.gov>; Todd Rettig <todd.rettig@illinois.gov>; Tommy Wells <tommy.wells@dc.gov>; tony.hatton@ky.gov; Vazquez <tvazquez@drna.pr.gov>; Walter Leon Guerrero <walter.leonguerrero@epa.guam.gov>
Subject: Clarification Letter from ECOS

Administrator Wheeler

Please find the attached letter that we hope will rectify any concerns with ECOS. We look forward to working with you as co-regulators advancing protection of public health and the environment.

Sincerely

Jim Macy

Director
Nebraska Department of Environment and Energy
402 471 3383

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 12/10/2019 1:24:43 PM
To: Keogh, Becky [keogh@adeq.state.ar.us]
Subject: RE: Meeting December 10 - Draft Agenda

Thanks Becky, I appreciate the note. I can catch up with you after the meeting to discuss.

From: Keogh, Becky <keogh@adeq.state.ar.us>
Sent: Tuesday, December 10, 2019 8:11 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Garvey, Megan <garvey.megan@epa.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Coxen, Carrie <coxen.carrie@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; GRikard@mdeq.ms.gov; Carol.Comer@dnr.mo.gov; Kenneth.Wagner@ee.ok.gov; Noah.Valenstein@floridadep.gov; Lance R. LeFleur <llefleur@adem.alabama.gov>; Bpiggott@idem.in.gov; Cabrera.misael@azdeq.gov; Noah Valenstein <noah.valenstein@dep.state.fl.us>; Tara Ousley <ousley.tara@azdeq.gov>; Carol Comer <carolscomer@yahoo.com>
Subject: Re: Meeting December 10 - Draft Agenda

Doug

I regret that participation at a cabinet event in Arkansas will limit my ability to participate this morning. I am hopeful I can call in for a portion of this critical discussion.

I am confident and committed to advancing a positive and productive pathway forward for EPA and ECOS partnerships.

Sent from Becky W Keogh

On Dec 4, 2019, at 4:51 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Please use the WJCN security entrance next to the METRO escalator.
If you have any problems, please call Connie at (202)564-3279.

EPA Headquarters – Meeting Room 3530 WJCN (William Jefferson Clinton Bldg North)

Conference Line: Ex. 6 **Access Code:** Ex. 6

Tuesday, December 10th @ 10:00AM to Noon

All:

Thanks for agreeing to meet next week. I really look forward to catching up with all of you. Below is a set of questions to consider before the meeting followed by an agenda for the meeting. The agenda is meant to be a guideline more than a rule. It's really meant to lay out my thinking on how a conversation could proceed, we can deviate from it or abandon it as we see fit. When developing the agenda I have in bold the topic and then which party can best address the topic. I am hoping to have a robust conversation about state – federal relations. My goal is leave with a better understanding of what is going well and what is not and a path forward.

If you have revisions or deletions to the agenda please let me know I am happy to make any changes necessary if you believe it will lead to a more productive meeting.

Safe travels everyone,

Doug

Questions for the states to consider before the meeting. [Please consider both the EPA Regional and HQ/National Program Office level. Specific examples are helpful.]

- a. What in the state-EPA relationship is working well?
- b. What is not working well?
- c. What changes could EPA make to strengthen the relationship?
- d. What could the states do better?

Agenda

- 1. Introductions – EPA**
 - a. Welcome
 - b. Why are we here?
 - c. Goals
 - i. Better understand the status of the relationship generally
 - ii. Path forward for EPA and ECOS
- 2. State – EPA relationship – EPA**
 - a. How does EPA interact with the states?
 - i. EPA Regions
 1. Regional career staff
 2. RAs
 - a. Primary source of engagement
 - i. HQ relies upon RAs
 - ii. HQ Presentations
 1. Tate Bennett, Associate Administrator of Public Engagement and Environmental Education
 2. Britt Carter, Director of Intergovernmental Relations
- 3. ECOS Sept. 26, 2019 Letter to EPA - EPA and States**
 - a. EPA
 - i. Reaction and perspective
 - ii. Background on recent EPA actions
 - b. States
 - i. Letter development and intention
 - ii. Expected reception from EPA
 - iii. State/ECOS follow up
- 4. What is working and what is not? - EPA and States**
- 5. Path Forward – EPA and States**
 - a. ECOS generally - EPA
 - i. Future interaction
 - b. Letter clarification
 - c. What steps should we take moving forward?
 - d. Action items

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 12/10/2019 6:41:00 PM
To: LeFleur, Lance R [llefleur@adem.alabama.gov]
Subject: RE: Meeting December 10 - Draft Agenda

Thanks Lance, I hope the call was worth your time, I certainly found it useful and I greatly appreciate your insights. We will talk on this topic again.

Thanks for the heads up on the FOIA. I do understand that several others states also received a FOIA, we can probably anticipate and E&E story.

Thanks again, I hope you are well.

From: LeFleur, Lance R <llefleur@adem.alabama.gov>
Sent: Tuesday, December 10, 2019 12:21 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: Meeting December 10 - Draft Agenda

Doug
Just a heads up. For better or worse we got a FOIA request from E&E News for my 10/18/19 letter to Jim Macy and Don Welsh. They evidently became aware of the letter through a FOIA request to another state. We will provide them a copy in the next few days.
Thanks for the conversation this morning.
Lance

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Tuesday, December 10, 2019 6:20 AM
To: LeFleur, Lance R <llefleur@adem.alabama.gov>
Subject: RE: Meeting December 10 - Draft Agenda

Thanks Lance

From: LeFleur, Lance R <llefleur@adem.alabama.gov>
Sent: Monday, December 9, 2019 8:08 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: Re: Meeting December 10 - Draft Agenda

Doug
Unfortunately the airline cancelled flight and no flights available that will allow me to attend. I will call in and participate by phone.
Best regards
Lance LeFleur

Sent from my iPhone

On Dec 4, 2019, at 4:51 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

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If you have any problems, please call Connie at (202)564-3279.

EPA Headquarters – Meeting Room 3530 WJCN (William Jefferson Clinton Bldg North)
Conference Line: Ex. 6 **Access Code:** Ex. 6
Tuesday, December 10th @ 10:00AM to Noon

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If you have revisions or deletions to the agenda please let me know I am happy to make any changes necessary if you believe it will lead to a more productive meeting.

Safe travels everyone,

Doug

Questions for the states to consider before the meeting. [Please consider both the EPA Regional and HQ/National Program Office level. Specific examples are helpful.]

- a. What in the state-EPA relationship is working well?
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Agenda

1. **Introductions – EPA**
 - a. Welcome
 - b. Why are we here?
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 - i. Better understand the status of the relationship generally
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 - a. How does EPA interact with the states?
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 2. Britt Carter, Director of Intergovernmental Relations
3. **ECOS Sept. 26, 2019 Letter to EPA - EPA and States**
 - a. EPA
 - i. Reaction and perspective

- ii. Background on recent EPA actions
 - b. States
 - i. Letter development and intention
 - ii. Expected reception from EPA
 - iii. State/ECOS follow up
- 4. **What is working and what is not? - EPA and States**
- 5. **Path Forward – EPA and States**
 - a. ECOS generally - EPA
 - i. Future interaction
 - b. Letter clarification
 - c. What steps should we take moving forward?
 - d. Action items

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 12/31/2019 7:27:30 PM
To: Megan Garvey (garvey.megan@epa.gov) [garvey.megan@epa.gov]
Subject: letter
Attachments: State Letter - AAW.docx

See attached, still needs work but I think it's not too far off. Provide any comments or changes you believe appropriate.

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 1/2/2020 7:54:20 PM
To: Megan Garvey (garvey.megan@epa.gov) [garvey.megan@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: Draft Letter
Attachments: State Letter - January 2 Draft.docx

This is close to final I hope. I read through it and made some tweaks and added some info. If you two would add into this draft whatever additions you have I would appreciate it. I want to send out as close to a final version as possible by noon tomorrow. Thanks for your help.

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 1/3/2020 7:04:08 PM
To: Megan Garvey (garvey.megan@epa.gov) [garvey.megan@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: final letter
Attachments: State Letter - January 3 Draft Final - Submittal Version - .docx

Could both of you please take one final look at this and make certain there are no obvious substantive or grammatical errors before I forward it on. I would like to send in the next hour if possible. Thank you

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 1/3/2020 9:14:36 PM
To: Andrew Wheeler (adm15.arwheeler.email@epa.gov) [adm15.arwheeler.email@epa.gov]
CC: Molina, Michael [molina.michael@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Hyman, Alana [Hyman.Alana@epa.gov]; Scott, Corey [scott.corey@epa.gov]
Subject: Draft Letter to States
Attachments: State Letter - January 3 Draft Final - Submittal Version - _ (003).docx

Administrator,

Attached please find a draft letter for your review that outlines our successes working with states over the past three years. The letter also reflects our commitment to federalism both in implementation of programs and recognizing the respective roles of EPA and the states but also in policy development.

The letter is 13 pages and broken down into 8 sections; communicating with states, office of research and development, PFAS, water, air, land and emergency response, enforcement, and policy. If you have thoughts on different categories we can accommodate that as well, what I wanted to do with the categories was break the letter up a little to make it more readable.

This version is close to final, but before sharing it with others I wanted to make sure the product generally meets your expectations. If it does next steps would be final editing of the letter for grammar and style and then a final fact check on it by the programs. While all of the information in the letter was provided by the programs, I did edit their work to make easier to read and I'll want to make sure I did that accurately. Also, I think there may be some minor editions we can add into the PFAS section and the air section for EtO, I just don't have the information yet to include. However, those would just be a couple of sentences for each would not change the letter significantly.

If you have questions please let me know. I'll be back in the office Monday morning and can take any instructions you have on how you would like to move forward.

Happy New Year!

Doug

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/26/2019 9:41:25 PM
To: Servidio, Cosmo [Servidio.Cosmo@epa.gov]
Subject: Fwd: ECOS Letter on State-Federal Cooperation
Attachments: ECOS Sept 26 2019 Letter to Administrator Wheeler.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: Donald Welsh <dwelsh@ecos.org>
Date: September 26, 2019 at 1:30:22 PM PDT
To: wheeler.andrew@epa.gov
Cc: "Carter, Brittany S." <carter.brittany@epa.gov>, "Benevento, Douglas" <benevento.douglas@epa.gov>, Jim Macy <jim.macy@nebraska.gov>, "Keogh, Becky" <keogh@adeq.state.ar.us>, Patrick McDonnell <pmcdonnell@pa.gov>, Ben Grumbles <ben.grumbles@maryland.gov>
Subject: ECOS Letter on State-Federal Cooperation

Dear Administrator Wheeler,

Please see the attached letter, sent on behalf of the ECOS membership.

--

Donald S. Welsh
Executive Director
Environmental Council of the States
NOTE OUR NEW ADDRESS:
1250 H Street NW, Suite 850
Washington, DC 20005
202-266-4929

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 1/10/2020 11:31:42 PM
To: Megan Garvey (garvey.megan@epa.gov) [garvey.megan@epa.gov]
Subject: letter
Attachments: Final Markup State Letter - January 3 Draft Final - Submittal Version - _ (003).docx

Will you look at this please. I think I'm missing a part we talked about but I don't know what.

I need a final paragraph and this weekend I will be proofing it but my goal is to shoot it out Saturday or Sunday.

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 1/12/2020 5:44:28 PM
To: Megan Garvey (garvey.megan@epa.gov) [garvey.megan@epa.gov]
Subject: FW: Letter to States
Attachments: Final Markup State Letter - January 11 Draft Final - Submittal Version.docx

Don't let me forget, I need to add something to this letter under PFAS.

From: Benevento, Douglas
Sent: Sunday, January 12, 2020 11:23 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Darwin, Henry <darwin.henry@epa.gov>
Subject: FW: Letter to States

Guys, I really apologize, I should have put you on this email and did not. I had been working on it most of Saturday morning and was anxious to finish it up so I just wrapped it up and sent it out. Obviously I would really appreciate any thoughts you have on the letter. Henry I do need to talk to you about some of the data in the letter, I think we have a scheduled call tomorrow.

Thanks, I apologize again for not including the three of you in the original transmittal.

I hope you guys are having a great weekend.

Doug

From: Benevento, Douglas
Sent: Saturday, January 11, 2020 2:31 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Megan Garvey (garvey.megan@epa.gov) <garvey.megan@epa.gov>
Subject: Letter to States

Attached is the letter we are preparing to send to the states next week. Thank all of you for your help in gathering information for the letter, it took a lot of time and I greatly appreciate it.

I would like for all of you to review this letter to ensure the facts represented for your programs are accurate. While you provided me with the information in the letter, in some cases I did characterize what you provided and I want to be sure I did so correctly.

The letter is 15 pages and broken down into different sections (e.g. air, water, enforcement) but I do have some sections that are cross cutting such as "communication with states" and "PFAS" which may warrant your attention. Alex, I do not have a "chemical" section, I used what you provided by spread it throughout the document. It is important that we are accurate because the letter will go to all 50 states. We are planning to send the letter on Wednesday, so if you or your staff could review it and provide any corrections to me by COB Tuesday, I would greatly appreciate it. If I don't hear back I will assume that you looked at it had no comment.

Finally, with a group this large trying to harmonize stylistic suggestions will be difficult in the time frame we have. I do welcome suggestions but will likely not have time to try and work through such comments. If you do have suggestions you think would be helpful please give me a call.

Thanks, I hope everyone is having a great weekend.

Doug

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/26/2019 10:25:33 PM
To: Noah.Valenstein@floridadep.gov
Subject: RE: Response

One last thing, obviously the statement is embargoed for now. We won't release unless we receive press calls.

From: Benevento, Douglas
Sent: Thursday, September 26, 2019 6:24 PM
To: Noah.Valenstein@floridadep.gov
Subject: Response

Noah, we would add a paragraph noting that we have support from states, and that add in quotes.

Per your direction on what a quote from you would look like I would offer the following;

I disagree with the ECOS letter, Florida has a strong working relationship with EPA, a relationship that is much improved over the past several years. We appreciate EPA's collaborative approach to issues and we look forward to working with them to address key environmental issues important to Florida.

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 1/14/2020 4:20:18 PM
To: Harlow, David [harlow.david@epa.gov]
Subject: FW: Letter to States
Attachments: Final Markup State Letter - January 11 Draft Final - Submittal Version.docx

Can we talk today for 5 minutes about this letter please.

From: Benevento, Douglas
Sent: Saturday, January 11, 2020 2:31 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Megan Garvey (garvey.megan@epa.gov) <garvey.megan@epa.gov>
Subject: Letter to States

Attached is the letter we are preparing to send to the states next week. Thank all of you for your help in gathering information for the letter, it took a lot of time and I greatly appreciate it.

I would like for all of you to review this letter to ensure the facts represented for your programs are accurate. While you provided me with the information in the letter, in some cases I did characterize what you provided and I want to be sure I did so correctly.

The letter is 15 pages and broken down into different sections (e.g. air, water, enforcement) but I do have some sections that are cross cutting such as "communication with states" and "PFAS" which may warrant your attention. Alex, I do not have a "chemical" section, I used what you provided by spread it throughout the document. It is important that we are accurate because the letter will go to all 50 states. We are planning to send the letter on Wednesday, so if you or your staff could review it and provide any corrections to me by COB Tuesday, I would greatly appreciate it. If I don't hear back I will assume that you looked at it had no comment.

Finally, with a group this large trying to harmonize stylistic suggestions will be difficult in the time frame we have. I do welcome suggestions but will likely not have time to try and work through such comments. If you do have suggestions you think would be helpful please give me a call.

Thanks, I hope everyone is having a great weekend.

Doug

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 1/15/2020 12:17:33 AM
To: Megan Garvey (garvey.megan@epa.gov) [garvey.megan@epa.gov]
Subject: one last review
Attachments: Final Markup State Letter - January 14 Draft Final - Submittal Version.docx

Will you please look at this, we're just about done. There have been some edits.

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 1/15/2020 6:18:40 PM
To: Megan Garvey (garvey.megan@epa.gov) [garvey.megan@epa.gov]
Subject: FW: Letter - editing help
Attachments: Final Markup State Letter - January 15 Draft Final - Submittal Version.docx

From: Benevento, Douglas
Sent: Wednesday, January 15, 2020 12:47 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Letter - editing help

I want to give this to the administrator for his book tonight. Two of the tables are too big and look weird can OPA help.
Thanks

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/27/2019 12:07:59 AM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: updated

Ok Arkansas is on board. This is the quote they would like us to use;

Becky Keogh, Secretary of Arkansas Department of Energy and Environment and Immediate past president of ECOS
Our relationship with EPA is much improved from previous years. Our relationship has been collaborative with respect to both process and substance. In particular we have appreciated EPA's work on WOTUS and other policy matters important to Arkansas. I hope to see the states and EPA continue to partner effectively in our collective efforts and commitment to lasting and impactful environmental protection.

If you would share a copy of the total package with Donnally Davis davis@adeq.state.ar.us in the morning I would appreciate it. I am still working with other states. Thanks you.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Thursday, September 26, 2019 7:19 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Wright, Peter <wright.peter@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: Re: updated

Ok...thank you!

Sent from my iPhone

On Sep 26, 2019, at 7:17 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

I will. I'm trying to collect them now. It will likely be in the morning.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Thursday, September 26, 2019 6:15 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: updated

Thank you. If you would like, just compile the quotes, and send to us in the text of the email...OPA will format and add to the release.

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Thursday, September 26, 2019 6:12 PM
To: Wright, Peter <wright.peter@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Ross, David P

<ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>

Subject: RE: updated

I have several states that are willing to provide supportive quotes, I'll work on that and add to this.

From: Wright, Peter <wright.peter@epa.gov>

Sent: Thursday, September 26, 2019 6:09 PM

To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>

Subject: RE: updated

All:

I just got of the RA meeting and post-meeting and am catching up to this matter. I do not have any comments. It looks to be very responsive and on point.

Peter

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Sent: Thursday, September 26, 2019 5:49 PM

To: Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>

Subject: RE: updated

Please see attached. Chris and I made some grammatical, stylistic and overall word choice edits. Please take a read through.

Thank you!

From: Jackson, Ryan <jackson.ryan@epa.gov>

Sent: Thursday, September 26, 2019 5:26 PM

To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>

Subject: updated

Final version.

OPA, please edit the attached "ECOS response." We received the attached PDF from ECOS this evening, and we will receive media inquiries for our response. I don't think we send out anything proactive, but when we are asked we need to send the ECOS response document. Please edit ASAP and redistribute to this email.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

jackson.ryan@epa.gov

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/27/2019 12:36:43 AM
To: austin.caperton@wv.gov; Servidio, Cosmo [servidio.cosmo@epa.gov]
Subject: Statement

Statement

Austin Caperton, West Virginia Department of Environmental Protection and ECOS Member

The State of West Virginia has appreciated the strong working relationship we have had with EPA over the past couple of years. We have worked together jointly on numerous issues and have always appreciated EPA's accessibility and the policy outcomes that have benefited the people of West Virginia our environment. There has been a strong partnership between the political leadership of our State and the United States government. We look forward to building upon this positive relationship moving forward.

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 1/23/2020 7:22:53 PM
To: Kirchner, Mary [Kirchner.Mary@epa.gov]
Subject: Copies for meeting with AW
Attachments: Final Markup State Letter - January 15 Draft Final - Submittal Version_AAW Copy.docx; January 24.docx

I'll bring down hard copies now.

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 1/28/2020 5:57:06 PM
To: Wright, Peter [wright.peter@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Dunlap, David [dunlap.david@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; McIntosh, Chad [mcintosh.chad@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Hoverman, Taylor [hoverman.taylor@epa.gov]; Cory, Preston [Cory.Preston@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Megan Garvey [garvey.megan@epa.gov] [garvey.megan@epa.gov]
Subject: State Letter
Attachments: Final Markup State Letter - January 15 Draft Final - Submittal Version_AAW Copy.docx

Attached is the final version of the state letter. We plan on sending it out late next week. If you would (or have someone on your staff) please review it for any factual errors I would appreciate. If I don't hear I'll assume that you have no corrections.

Thanks, I hope you're having a good week.

Doug

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/27/2019 12:50:36 AM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: FW: ECOS Letter to U.S. EPA on State-Federal Cooperation

From: Gary Rikard <GRikard@mdeq.ms.gov>
Sent: Thursday, September 26, 2019 8:50 PM
To: Donald Welsh <dwelsh@ecos.org>
Subject: Re: ECOS Letter to U.S. EPA on State-Federal Cooperation

Don. Unfortunately, Chris Wells and I were unable to attend the meeting this morning due to travel. As such, I obviously didn't hear the conversation concerning issues with EPA; however, I have serious reservations about the tone of this letter. Moreover, Mississippi's relationship with Region 4 and Regional Administrator Walker is outstanding. The net that ECOS appears to be casting in the letter to the Administrator does not represent the relationship status between Mississippi and Region 4. I realize other states must not have the same relationship that we enjoy and, if so, agree that a dialogue is warranted to attempt to solve those issues, but I think there could have been a better way to go about this than the letter as drafted.

Sent from my iPhone

On Sep 26, 2019, at 3:31 PM, Donald Welsh <dwelsh@ecos.org> wrote:

Dear ECOS Members,

Please see the attached letter sent on behalf of the membership to Administrator Wheeler. We will send out a press release first thing tomorrow morning.

--

Donald S. Welsh
Executive Director
Environmental Council of the States
NOTE OUR NEW ADDRESS:
1250 H Street NW, Suite 850
Washington, DC 20005
202-266-4929

<ECOS Sept 26 2019 Letter to Adminstrator Wheeler.pdf>

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/27/2019 1:06:04 AM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]
CC: Wright, Peter [wright.peter@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]
Subject: RE: updated

Gary Rikard, Executive Director Mississippi Department of Environmental Quality, ECOS member

Over the past three years the State of Mississippi's relationship with EPA has improved and continues to improve. We have been more engaged with EPA on issues that are important to the people of Mississippi and they have been an important partner in protecting and improving public health and the environment in my State. EPA has treated the State as a partner and we have been pleased with the policy outcomes that have resulted from that collaboration. We look forward to working with EPA in the same manner in the years to come.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Thursday, September 26, 2019 9:04 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Subject: Re: updated

I'm about to send the Statement. We have two quotes...anymore? 2 out of 50 won't look great...but will send

Sent from my iPhone

On Sep 26, 2019, at 9:02 PM, Abboud, Michael <abboud.michael@epa.gov> wrote:

Nope nor email.

Sent from my iPhone

On Sep 26, 2019, at 9:01 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Did we get a call?

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Thursday, September 26, 2019 9:01 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Subject: Re: updated

Alex Guillen just published a story about the ecos letter.

Sent from my iPhone

On Sep 26, 2019, at 7:19 PM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

Ok...thank you!

Sent from my iPhone

On Sep 26, 2019, at 7:17 PM, Benevento, Douglas
<benevento.douglas@epa.gov> wrote:

I will. I'm trying to collect them now. It will likely be in the morning.

From: Schiermeyer, Corry
<schiermeyer.corry@epa.gov>
Sent: Thursday, September 26, 2019 6:15 PM
To: Benevento, Douglas
<benevento.douglas@epa.gov>; Wright, Peter
<wright.peter@epa.gov>; Jackson, Ryan
<jackson.ryan@epa.gov>; Beach, Christopher
<beach.christopher@epa.gov>; Ross, David P
<ross.davidp@epa.gov>; Idsal, Anne
<idsal.anne@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: updated

Thank you. If you would like, just compile the quotes, and send to us in the text of the email...OPA will format and add to the release.

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Schiermeyer, Corry <schiermeyer.corry@epa.gov>;
Jackson, Ryan <jackson.ryan@epa.gov>; Beach,
Christopher <beach.christopher@epa.gov>; Ross, David
P <ross.davidp@epa.gov>; Idsal, Anne
<idsal.anne@epa.gov>
Subject: RE: updated

I have several states that are willing to provide supportive quotes, I'll work on that and add to this.

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Sent: Thursday, September 26, 2019 6:09 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>;
Jackson, Ryan <jackson.ryan@epa.gov>; Beach,
Christopher <beach.christopher@epa.gov>; Benevento,
Douglas <benevento.douglas@epa.gov>; Ross, David P
<ross.davidp@epa.gov>; Idsal, Anne
<idsal.anne@epa.gov>
Subject: RE: updated

All:

I just got of the RA meeting and post-meeting and am catching up to this matter. I do not have any comments. It looks to be very responsive and on point.

Peter

From: Schiermeyer, Corry

[<schiermeyer.corry@epa.gov>](mailto:schiermeyer.corry@epa.gov)

Sent: Thursday, September 26, 2019 5:49 PM

To: Jackson, Ryan [<jackson.ryan@epa.gov>](mailto:jackson.ryan@epa.gov); Beach, Christopher [<beach.christopher@epa.gov>](mailto:beach.christopher@epa.gov); Benevento, Douglas [<benevento.douglas@epa.gov>](mailto:benevento.douglas@epa.gov); Ross, David P [<ross.davidp@epa.gov>](mailto:ross.davidp@epa.gov); Idsal, Anne [<idsal.anne@epa.gov>](mailto:idsal.anne@epa.gov); Wright, Peter [<wright.peter@epa.gov>](mailto:wright.peter@epa.gov)

Subject: RE: updated

Please see attached. Chris and I made some grammatical, stylistic and overall word choice edits. Please take a read through.

Thank you!

From: Jackson, Ryan [<jackson.ryan@epa.gov>](mailto:jackson.ryan@epa.gov)

Sent: Thursday, September 26, 2019 5:26 PM

To: Schiermeyer, Corry [<schiermeyer.corry@epa.gov>](mailto:schiermeyer.corry@epa.gov); Beach, Christopher [<beach.christopher@epa.gov>](mailto:beach.christopher@epa.gov); Benevento, Douglas [<benevento.douglas@epa.gov>](mailto:benevento.douglas@epa.gov); Ross, David P [<ross.davidp@epa.gov>](mailto:ross.davidp@epa.gov); Idsal, Anne [<idsal.anne@epa.gov>](mailto:idsal.anne@epa.gov); Wright, Peter [<wright.peter@epa.gov>](mailto:wright.peter@epa.gov)

Subject: updated

Final version.

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Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

jackson.ryan@epa.gov

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/27/2019 1:07:59 AM
To: Gary Rikard [GRikard@mdeq.ms.gov]
Subject: RE: Statement

Thank you

From: Gary Rikard <GRikard@mdeq.ms.gov>
Sent: Thursday, September 26, 2019 9:07 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: Re: Statement



Sent from my iPhone

On Sep 26, 2019, at 8:05 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Made the change. Thanks Gary

Gary Rikard, Executive Director Mississippi Department of Environmental Quality, ECOS member
Over the past three years the State of Mississippi's relationship with EPA has improved and continues to improve. We have been more engaged with EPA on issues that are important to the people of Mississippi and they have been an important partner in protecting and improving public health and the environment in my State. EPA has treated the State as a partner and we have been pleased with the policy outcomes that have resulted from that collaboration. We look forward to working with EPA in the same manner in the years to come.

From: Gary Rikard <GRikard@mdeq.ms.gov>
Sent: Thursday, September 26, 2019 9:03 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: Re: Statement

Doug. I'm good with the statement except I'd like to change "significantly improved" to something along the lines of the relationship is "outstanding" or "the best it's ever been" or something similar; or change "significantly improved" to "improved and continues to do so". I'm uncomfortable with the term "significantly"

I'm about to be unavailable for the next 2 hours so provided you make that change then I'm good with it and you can proceed Just send me the final document, but you don't have to wait on my ok — thanks

Sent from my iPhone

On Sep 26, 2019, at 7:56 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Statement. Let me know what you think. Thanks

Gary Rikard, Executive Director Mississippi Department of Environmental Quality, ECOS member

Over the past three years the State of Mississippi's relationship with EPA has improved and continues to improve. We have been more engaged with EPA on issues that are important to the people of Mississippi and they have been an important partner in protecting and improving the public health and the environment. EPA has treated the State as a partner and we have been pleased with the policy outcomes that have resulted from that collaboration. We look forward to working with EPA in the same manner in the years to come.

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/27/2019 1:11:56 AM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]
CC: Wright, Peter [wright.peter@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]
Subject: RE: updated

ok

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Thursday, September 26, 2019 9:11 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Cc: Wright, Peter <wright.peter@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Subject: RE: updated

I have to send at least the response tonight to make Morning Energy. I can send with the three quotes...and tomorrow morning send them an update. Or, just send the response to make Morning Energy...and then update with a What They Are Saying to Politico and who ever else asks, after 9am.

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Thursday, September 26, 2019 9:07 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Cc: Wright, Peter <wright.peter@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Subject: RE: updated

If we can hold until 9am tomorrow morning I think I'll have more.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Thursday, September 26, 2019 9:04 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Subject: Re: updated

I'm about to send the Statement. We have two quotes...anymore? 2 out of 50 won't look great...but will send

Sent from my iPhone

On Sep 26, 2019, at 9:02 PM, Abboud, Michael <abboud.michael@epa.gov> wrote:

Nope nor email.

Sent from my iPhone

On Sep 26, 2019, at 9:01 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Did we get a call?

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Thursday, September 26, 2019 9:01 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Subject: Re: updated

Alex Guillen just published a story about the ecos letter.

Sent from my iPhone

On Sep 26, 2019, at 7:19 PM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

Ok...thank you!

Sent from my iPhone

On Sep 26, 2019, at 7:17 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

I will. I'm trying to collect them now. It will likely be in the morning.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Thursday, September 26, 2019 6:15 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: updated

Thank you. If you would like, just compile the quotes, and send to us in the text of the email...OPA will format and add to the release.

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Thursday, September 26, 2019 6:12 PM
To: Wright, Peter <wright.peter@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne

<idsal.anne@epa.gov>

Subject: RE: updated

I have several states that are willing to provide supportive quotes, I'll work on that and add to this.

From: Wright, Peter <wright.peter@epa.gov>

Sent: Thursday, September 26, 2019 6:09 PM

To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>

Subject: RE: updated

All:

I just got of the RA meeting and post-meeting and am catching up to this matter. I do not have any comments. It looks to be very responsive and on point.

Peter

From: Schiermeyer, Corry

<schiermeyer.corry@epa.gov>

Sent: Thursday, September 26, 2019 5:49 PM

To: Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>

Subject: RE: updated

Please see attached. Chris and I made some grammatical, stylistic and overall word choice edits. Please take a read through.

Thank you!

From: Jackson, Ryan <jackson.ryan@epa.gov>

Sent: Thursday, September 26, 2019 5:26 PM

To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>

Subject: updated

Final version.

OPA, please edit the attached "ECOS response." We received the attached PDF from ECOS this evening, and we will receive media inquiries for our response. I don't think we send out anything proactive, but when we are asked we need to send the ECOS response document. Please edit ASAP and redistribute to this email.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999
jackson.ryan@epa.gov

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/27/2019 2:08:29 AM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Fwd: Response
Attachments: ECOS response.docx; ATT00001.htm

Can you please add this into our statement.

Sent from my iPhone

Begin forwarded message:

From: "Miller, Dee Ann" <Dee.Ann.Miller@dep.state.fl.us>
Date: September 26, 2019 at 6:57:47 PM PDT
To: "benevento.douglas@epa.gov" <benevento.douglas@epa.gov>
Cc: "Valenstein, Noah" <Noah.Valenstein@dep.state.fl.us>
Subject: Fwd: Response

Good Evening,

I am not sure if the Secretary had an opportunity to follow back up with you yet or not, so I wanted to reach out.

We are happy to offer a quote of support.

We would recommend perhaps a lead in of . . . Contrary to the assertions in the ECOS letter, the following states said:

Florida Department of Environmental Protection Secretary Noah Valenstein said, "Florida has a strong working relationship with EPA, a relationship that is much improved over the past several years. We appreciate EPA's collaborative approach to issues and we look forward to working with them to address key environmental issues important to Florida."

Please let us know if there is anything we can do to further assist.

Dee Ann Miller
Communications Director
Florida DEP

Sent from my iPad

Begin forwarded message:

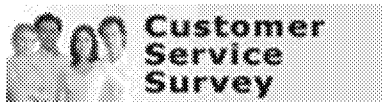
From: "Valenstein, Noah" <Noah.Valenstein@dep.state.fl.us>
Date: September 26, 2019 at 6:31:52 PM EDT
To: "Miller, Dee Ann" <Dee.Ann.Miller@dep.state.fl.us>
Subject: FW: Response

From: "Benevento, Douglas" <benevento.douglas@epa.gov>
Date: Thursday, September 26, 2019 at 6:24 PM
To: "Valenstein, Noah" <Noah.Valenstein@dep.state.fl.us>
Subject: Response

Noah, we would add a paragraph noting that we have support from states, and that add in quotes.

Per your direction on what a quote from you would look like I would offer the following;

I disagree with the ECOS letter, Florida has a strong working relationship with EPA, a relationship that is much improved over the past several years. We appreciate EPA's collaborative approach to issues and we look forward to working with them to address key environmental issues important to Florida.



Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/27/2019 2:10:43 AM
To: toby.baker@tceq.tx.gov
Subject: Fwd: ECOS Letter on State-Federal Cooperation
Attachments: ECOS Sept 26 2019 Letter to Administrator Wheeler.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: Donald Welsh <dwelsh@ecos.org>
Date: September 26, 2019 at 1:30:22 PM PDT
To: wheeler.andrew@epa.gov
Cc: "Carter, Brittany S." <carter.brittanys@epa.gov>, "Benevento, Douglas" <benevento.douglas@epa.gov>, Jim Macy <jim.macy@nebraska.gov>, "Keogh, Becky" <keogh@adeq.state.ar.us>, Patrick McDonnell <pmcdonnell@pa.gov>, Ben Grumbles <ben.grumbles@maryland.gov>
Subject: ECOS Letter on State-Federal Cooperation

Dear Administrator Wheeler,

Please see the attached letter, sent on behalf of the ECOS membership.

--

Donald S. Welsh
Executive Director
Environmental Council of the States
NOTE OUR NEW ADDRESS:
1250 H Street NW, Suite 850
Washington, DC 20005
202-266-4929

Message

From: Stepp, Cathy [stepp.cathy@epa.gov]
Sent: 9/27/2019 7:11:40 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: Re: Thank you

This is great

Sent from my iPhone

On Sep 27, 2019, at 11:49 AM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Attached please find our response to the ECOS statement. We are expecting more states to sign on. The statement won't be released proactively but will instead will be released to outlets requesting comment. At this point we have received one inquiry which I think came from PoliticoPro.

Thanks

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Friday, September 27, 2019 10:10 AM
To: davis@adeq.state.ar.us; austin.caperton@wv.gov
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Thank you

Thank you for contributing to our response to the letter from ECOS to EPA Administrator Wheeler.

Attached is what we have at this time. I expect Doug will be sending me more quotes from more States to add.

This is only being used in response to inquiries, we have not proactively released this statement. When/if we do, we will follow up with another email to let you know.

Please let us know if you have any questions.

Thank you!

Corry Schiermeyer
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
Schiermeyer.corry@epa.gov
202-564-6782

<ECOS response.docx>

Message

From: Eng, Connie [Eng.Conn@epa.gov]
Sent: 9/27/2019 7:47:10 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: FW: Meet with AW (ECOS)

FYI.

Thanks

Have a great day!

Connie

*Connie Eng
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
William Jefferson Clinton Building North, Room 3412 (MC1101A)
Washington, DC 20460
Phone: 202 564 3279
Email: eng.conn@epa.gov*

From: Hyman, Alana <Hyman.Alana@epa.gov>
Sent: Friday, September 27, 2019 3:43 PM
To: Eng, Connie <Eng.Conn@epa.gov>
Subject: another meeting booked!

Hey Connie,
I think Monday is all set 9:15am – 9:30 for Doug and the Administrator to discuss ECOS.

Thank you

Alana Hyman
Office of the Administrator
U.S. EPA
202/564-2410

Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 9/30/2019 8:07:35 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: latest response
Attachments: ECOS response.docx

Corry Schiermeyer
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
Schiermeyer.corry@epa.gov
202-564-6782

Response to ECOS Letter to EPA Administrator Wheeler

The Trump Administration's Environmental Protection Agency has worked with individual State Departments of Environmental Quality in a manner unlike the previous Administration, and it will continue to consistently work with states on issues the previous Administration ignored, such as approval of state air and water quality plans and cleaning some of the worst contaminated sites.

Under the Trump Administration, EPA inherited a backlog of 700 unacted upon State Implementation Plans (SIPs) that States use to set clean air standards, including the 127 SIPs California submitted to EPA. Of those from California, not one plan resulted in California reaching attainment with air quality standards. In fact, with 127 backlogged SIPs, California has by far the largest backlog of any state in the nation. Of the more than 700 SIPs EPA inherited from the previous Administration, the Agency has been able to take actions on over 400 since President Trump took office.

The previous Administration imposed more than 50 Federal Implementation Plans (FIPs) on States. That is 10 times the number of FIPs imposed by the three previous administrations combined. President Trump's EPA has been working since day one to convert these FIPs back to SIPs, averaging almost one FIP-to-SIP per month since March 2017.

EPA has made it a priority to restore the appropriate balance between federal and state management of water resources within state borders. Since January 2017, EPA has approved 231 state water quality standards and has reduced its backlog of outstanding actions by approximately 20 percent. Since January 2017, EPA has approved more than 5,000 state Total Maximum Daily Loads (TMDLs) submitted by states. EPA has acted on approximately 70 lists of impaired waters submitted by states, nearly eliminating the backlog of state submittals that had developed under the last administration.

Since January 2017, approximately 110 waterbodies have been partially or fully restored through Section 319 grant program projects, and 590 new projects have been initiated through EPA funding. EPA has stood up the WIFIA program and has closed 12 WIFIA loans, totaling more than \$3 billion in investments to help finance over \$7 billion in new infrastructure. In the last two years, the Clean Water and Drinking Water State Revolving Funds have financed approximately \$20 billion in 4,500 new water quality projects.

In February 2019, EPA issued a new policy to incentivize state water quality trading programs, reducing impediments instituted by prior administrations, allowing for market-based mechanisms. Additionally, EPA issued a policy directive to the Regional Administrators in June 2019 designed to expedite review of state water quality standard submissions while ensuring EPA complies with Clean Water Act statutory deadlines.

Last year, EPA deleted all or part of 22 sites from the National Priorities List, the largest number of deletions in one year since 2005. This year, EPA is on track to complete even more sites. Each year EPA has awarded millions in Brownfield grants to local recipients further cleaning up

contaminated sites in our communities restoring them new economic vitality. In June, EPA awarded over \$64 million in new investments to 149 communities across the Nation through our Brownfields Multipurpose, Assessment and Cleanup Grants. Forty-percent of the selected communities are receiving Brownfields funding for the first time, which means that we are reaching communities that have not been reached before.

On these and many other issues important to States, EPA will continue to work directly with State Departments of Environmental Quality on issues important to assist them in their missions to protect human health and the environment. EPA's senior leadership has been meeting at the Environmental Council of the States (ECOS) conference this week in Seattle and found these meetings to have been productive. EPA believes it fulfills ECOS' request in its statement today.

When a State fails to safeguard the health of their citizens, the EPA has and will step in to fill that void, whether it is ensuring that States submit SIPs which show attainment, fulfill their obligations under delegated water programs, or provide safe sources of drinking water when contaminants are present.

###

Contrary to the assertions in the ECOS letter, the following States said:

Becky Keogh, Secretary of Arkansas Department of Energy and Environment and Immediate past president of ECOS:

Our relationship with EPA is much improved from previous years. Our relationship has been collaborative with respect to both process and substance. In particular we have appreciated EPA's work on WOTUS and other policy matters important to Arkansas. I hope to see the states and EPA continue to partner effectively in our collective efforts and commitment to lasting and impactful environmental protection.

Noah Valenstein, Secretary of Florida Department of Environmental Protection:

Florida has a strong working relationship with EPA, a relationship that is much improved over the past several years. We appreciate EPA's collaborative approach to issues, and we look forward to working with them to address key environmental issues important to Florida.

Gary Rikard, Executive Director, Mississippi Department of Environmental Quality, ECOS member:

Over the past three years the State of Mississippi's relationship with EPA has improved and continues to improve. We have been more engaged with EPA on issues that are important to the people of Mississippi and they have been an important partner in protecting and improving public health and the environment in my State. EPA has treated the State as a partner and we have been pleased with the policy outcomes that have resulted from that collaboration. We look forward to working with EPA in the same manner in the years to come.

Kenneth E. Wagner, Oklahoma Secretary of Energy and Environment:

Oklahoma currently enjoys the most collaborative and productive relationship with USEPA in our shared history. The level of collaboration at the regional level has succeeded in solving real everyday environmental problems and providing the highest levels of protection possible. With this Administration, access to senior leadership and policy makers at headquarters has been remarkable. States like Oklahoma have benefitted greatly by having our voices heard by the highest levels of senior leadership at USEPA.

We are surprised that there is such an outcry about a specific dispute between a particular state and the agency. Where was the outcry when the previous administration continually ignored states like Oklahoma and its neighbors while making huge policy decisions negatively affecting the lives and jobs of millions.

Austin Caperton, West Virginia Department of Environmental Protection and ECOS Member:

The State of West Virginia has appreciated the strong working relationship we have had with EPA over the past couple of years. We have worked together jointly on numerous issues and have always appreciated EPA's accessibility and the policy outcomes that have benefited the people of West Virginia our environment. There has been a strong partnership between our Governor and the executive branch of the United States government. We look forward to building upon this positive relationship moving forward.

Todd Parfitt, Director, Wyoming Department of Environmental Quality:

Wyoming's experience with EPA is positive and is more collaborative than it has been for many years. We have worked cooperatively together on numerous issues, including our ground-breaking self-audit MOA, the Waters of the United States Rule, regional haze and more. Importantly, through implementation of cooperative federalism principles, we have significantly improved our relationship with EPA. I look forward to our continued efforts to enhance state/EPA collaboration and advance our joint goal of protecting human health and the environment.

###

Message

From: Hoelscher, Douglas L. EOP/WHO; [REDACTED] **Ex. 6**
Sent: 9/28/2019 7:25:47 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
CC: Carter, Brittany S. [carter.brittanys@epa.gov]; Pottebaum, Nic D. EOP/WHO [REDACTED] **Ex. 6**
Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Grove, Sara E. EOP/WHO [REDACTED] **Ex. 6**
Subject: RE: Seeking comment on this ECOS letter

My cell is [REDACTED] **Ex. 6**

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Saturday, September 28, 2019 3:10 PM
To: Hoelscher, Douglas L. EOP/WHO [REDACTED] **Ex. 6**
Cc: Carter, Brittany S. <carter.brittanys@epa.gov>; Pottebaum, Nic D. EOP/WHO [REDACTED] **Ex. 6**; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Grove, Sara E. EOP/WHO [REDACTED] **Ex. 6**
Subject: Re: Seeking comment on this ECOS letter

Sorry catching up on emails I can talk if you send me a number to call

Sent from my iPhone

On Sep 28, 2019, at 2:25 PM, Hoelscher, Douglas L. EOP/WHO [REDACTED] **Ex. 6** wrote:

Yes, can we all get on the phone at 3:00 pm or 3:30 pm today?

From: Carter, Brittany S. <carter.brittanys@epa.gov>
Sent: Saturday, September 28, 2019 2:23 PM
To: Hoelscher, Douglas L. EOP/WHO [REDACTED] **Ex. 6**; Pottebaum, Nic D. EOP/WHO [REDACTED] **Ex. 6**; Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Grove, Sara E. EOP/WHO [REDACTED] **Ex. 6**
Subject: Re: Seeking comment on this ECOS letter

Doug, sorry to bother you on a Saturday. Wanted to connect you with our Associate Deputy Administrator, Doug Benevento. (He spoke at the Colorado State Day a few weeks ago!)

Would you be able to connect with him re: the ECOS letter before the governors conference call you mentioned? Doug B would like to walk you through some of the governors and specific asks. He's spoken with Don Welsh directly about the letter.

Thank you!

-Britt

On Sep 27, 2019, at 1:04 PM, Carter, Brittany S. <carter.brittanys@epa.gov> wrote:

Hi Doug,

Passing along EPA's response to the letter.

Thanks!

Britt

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Lee, Stephen" <stephenlee@bloombergenvironment.com>
Date: September 27, 2019 at 10:53:06 AM EDT
To: "Abboud, Michael" <abboud.michael@epa.gov>, Press <Press@epa.gov>
Subject: RE: Seeking comment on this ECOS letter

Perfect. Thanks, Michael.

Stephen Lee
Reporter
Bloomberg Environment
Direct: 703-341-3698
Mobile: 202-297-7249
Twitter: @sklee_ca
stephenlee@bloombergenvironment.com

From: Abboud, Michael [<mailto:abboud.michael@epa.gov>]
Sent: Friday, September 27, 2019 10:52 AM
To: Lee, Stephen <stephenlee@bloombergenvironment.com>; Press <Press@epa.gov>
Subject: RE: Seeking comment on this ECOS letter

Response to ECOS Letter to EPA Administrator Wheeler

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EPA has approved 231 state water quality standards and has reduced its backlog of outstanding actions by approximately 20 percent. Since January 2017, EPA has approved more than 5,000 state Total Maximum Daily Loads (TMDLs) submitted by states. EPA has acted on approximately 70 lists of impaired waters submitted by states, nearly eliminating the backlog of state submittals that had developed under the last administration.

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Last year, EPA deleted all or part of 22 sites from the National Priorities List, the largest number of deletions in one year since 2005. This year, EPA is on track to complete even more sites. Each year EPA has awarded millions in Brownfield grants to local recipients further cleaning up contaminated sites in our communities restoring them new economic vitality. In June, EPA awarded over \$64 million in new investments to 149 communities across the Nation through our Brownfields Multipurpose, Assessment and Cleanup Grants. Forty-percent of the selected communities are receiving Brownfields funding for the first time, which means that we are reaching communities that have not been reached before.

On these and many other issues important to States, EPA will continue to work directly with State Departments of Environmental Quality on issues important to assist them in their missions to protect human health and the environment. EPA's senior leadership has been meeting at the Environmental Council of the States (ECOS) conference this week in Seattle and found these meeting to have been productive. EPA believes it fulfills ECOS' request in its statement today.

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###

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###

From: Lee, Stephen <stephenlee@bloombergenvironment.com>
Sent: Friday, September 27, 2019 10:49 AM
To: Abboud, Michael <abboud.michael@epa.gov>; Press <Press@epa.gov>
Subject: Seeking comment on this ECOS letter

Hey Michael. I've been asked to write up this letter today. Please let me know if you guys have any comment. I'm on deadline for 1:30.

Thanks,

Stephen Lee
Reporter
Bloomberg Environment
Direct: 703-341-3698
Mobile: 202-297-7249
Twitter: @sklee_ca
stephenlee@bloombergenvironment.com

From: Lia Parisien [<mailto:lparisien@ecos.org>]
Sent: Friday, September 27, 2019 10:04 AM
To: Lia Parisien <lparisien@ecos.org>
Subject: ECOS Issues Statement on the Importance of State-Federal Cooperation

Environmental Reporter:

Please see the attached statement issued yesterday by the Environmental Council of the States at its 2019 Fall Meeting in Seattle, Washington. If you have questions, contact ECOS Executive Director Don Welsh at dwelsh@ecos.org.

Regards,

--

Lia Parisien
Executive Project Manager
Environmental Council of the States (ECOS)
(202) 266-4931
>>www.ecos.org<<

Message

From: Benevento, Douglas [benevento.douglas@epa.gov]
Sent: 10/2/2019 9:43:34 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: Fwd: ECOS Letter on State-Federal Cooperation
Attachments: ECOS Sept 26 2019 Letter to Administrator Wheeler.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: Donald Welsh <dwelsh@ecos.org>
Date: September 26, 2019 at 1:30:22 PM PDT
To: wheeler.andrew@epa.gov
Cc: "Carter, Brittany S." <carter.brittany@epa.gov>, "Benevento, Douglas" <benevento.douglas@epa.gov>, Jim Macy <jim.macy@nebraska.gov>, "Keogh, Becky" <keogh@adeq.state.ar.us>, Patrick McDonnell <pmcdonnell@pa.gov>, Ben Grumbles <ben.grumbles@maryland.gov>
Subject: ECOS Letter on State-Federal Cooperation

Dear Administrator Wheeler,

Please see the attached letter, sent on behalf of the ECOS membership.

--

Donald S. Welsh
Executive Director
Environmental Council of the States
NOTE OUR NEW ADDRESS:
1250 H Street NW, Suite 850
Washington, DC 20005
202-266-4929

Message

From: Walker, Mary [walker.mary@epa.gov]
Sent: 10/3/2019 10:23:23 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: FW: ECOS draft letter
Attachments: ECOS letter.docx

Just FYI

From: LeFleur, Lance R <llefleur@adem.alabama.gov>
Sent: Thursday, October 3, 2019 5:23 PM
To: Walker, Mary <walker.mary@epa.gov>
Subject: FW: ECOS draft letter

FYI

From: Cranage, Laura
Sent: Thursday, October 03, 2019 1:08 PM
To: 'noah.valenstein@dep.state.fl.us' <noah.valenstein@dep.state.fl.us>; 'richard.dunn@dnr.ga.gov' <richard.dunn@dnr.ga.gov>; Tony Hatton <tony.hatton@ky.gov>; Gary Rikard <grikard@mdeq.ms.gov>; 'michael.regan@ncdenr.gov' <michael.regan@ncdenr.gov>; Myra Reese <reecemc@dhec.sc.gov>; 'david.salyers@tn.gov' <david.salyers@tn.gov>
Cc: LeFleur, Lance R <llefleur@adem.alabama.gov>
Subject: ECOS draft letter

All

I was unable to participate in the ECOS Executive session or the conference call yesterday, however, I want to make my concerns known to ECOS.

I plan to send the attached letter. If you would like to join in the letter it can be adjusted to be from several of us. Please let me know if you are interested in signing on to the letter and also let me know if you have any suggested changes.

Thanks
Lance

Jim Macy
President
ECOS

Donald Welsh
Executive Director
ECOS

Gentlemen

This correspondence is to confirm that for many reasons the Alabama Department of Environmental Management emphatically does not concur with the letter from the Environmental Council of States dated September 27, 2019 addressed to Administrator Wheeler. Among the reasons are:

1. Consideration of the letter was not on the agenda for the meeting of the Executive Committee meeting on September 26, 2019.
2. There was no mention of such a letter being considered at any time prior to the Executive session that took place on September 26, 2019 which is inconsistent with long established ECOS past practice of advance notification of contemplated actions.
3. Without notice, adequate opportunity for consideration and input by all states was not afforded which is inconsistent with the ECOS principle of consensus action by ECOS.
4. The process of developing and publishing the letter sets a bad precedent for future ECOS actions.
5. The tone of the letter is unnecessarily confrontational and inconsistent with any historical precedent of the ECOS organization in dealing with EPA.
6. The letter does not show due respect for EPA as the major financial contributor to ECOS, without such support ECOS would likely not exist.
7. The letter went to EPA without the courtesy of any advanced notice to EPA or the states and is an inexcusable public blind side to EPA.
8. The letter damages (hopefully not irreparably) the goodwill and mutual respect developed between EPA and ECOS that has been developed since ECOS was organized.
9. The letter damages (hopefully not irreparably) the goodwill and mutual respect developed between the individual states that are members of ECOS that has been developed since ECOS was organized
10. The letter does not identify the EPA actions with which the author(s) take issue.
11. Although it has not been specifically made clear to me what the contentious issues prompting the letter are, it is my understanding the author(s) are referring to the concerns of several individual states, not issues deemed by all states to be areas for concern.
12. It is likely that the issues objected to by a few states are in fact supported by other states.
13. There are more appropriate avenues for individual state concerns to be expressed including state one-on-one conversations with EPA representatives or ECOS representatives having conversations with EPA representatives making it clear the views are only from a subset of all states.

14. During prior EPA administrations there were issues objected to by some states and supported by other states and if a consensus could not be reached ECOS did not select one point of view and reject the other and then present the selected position to be the consensus of all states.
15. States that do not agree with the letter are now perceived by EPA and the public as having agreed to the letter.
16. The letter very well may result in media incorrectly developing the narrative that the states are unanimously at odds with EPA and then using the narrative for partisan political purposes.

Due to schedule conflicts I was unable to participate the Executive session on September 26 or the conference call on October 2, however, I wish to make it clear that I believe the process to develop the letter, the tone of the letter, the lack of specifics in the letter, the failure to first employ other options to address the issues, and the implication that the letter represents the consensus of all the states demonstrate that the letter was ill advised.

Although damage has been done, I suggest that the letter be withdrawn or in the alternative that the individual states be polled and EPA be notified which states support and which states do not support the letter. I further suggest that ECOS refrain from this type of activity in the future and seek ways to return to a respectful and productive relationship with EPA that represents the interests of all states.

Sincerely

Message

From: Comer, Carol [Carol.Comer@dnr.mo.gov]
Sent: 10/20/2019 9:17:04 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: Re: Follow-Up

Hi Doug! Of course I remember meeting you! I was loudly complaining about being overfiled by our Region while sitting next to you at lunch at the ECOS meeting in Grand Tetons, having no idea you were a Regional Administrator! :)

Congrats on the new position by the way!

I would love to catch up - and discuss the recent letter.

My cell phone number is Ex. 6. My schedule is pretty light right now, so if there is a time that works for you, we can probably work my calendar around it.

Thanks for getting back with me.

Carol S. Comer
Director
Missouri Department of Natural Resources
(573) 522-6221
carol.comer@dnr.mo.gov

On Oct 20, 2019, at 1:03 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Hi Carol, this is Doug Benevento at EPA, we met at a couple of events last year. I was formerly Region 8 RA and I am now Associate Deputy Administrator, filling the Deputy position at EPA since Henry Darwin went back to Arizona. I saw the email you sent the Administrator and wanted to follow-up with you. Do you have time to talk this week and if so send me your cell number. My number is Ex. 6. I would like to follow-up with you on the ECOS letter and other issues.

Thanks, I hope you're having a great weekend.

Doug

Message

From: Richardson, RobinH [Richardson.RobinH@epa.gov]
Sent: 11/15/2019 7:00:25 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: RE: ECOS question

Thank you!

Robin H Richardson
Principal Deputy Associate Administrator
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-564-3358 (desk)
703-581-5814 (cell)
richardson.robinh@epa.gov

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Friday, November 15, 2019 1:59 PM
To: Richardson, RobinH <Richardson.RobinH@epa.gov>
Subject: FW: ECOS question

I responded that this was untrue.

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Friday, November 15, 2019 1:50 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Johnson, Taylor <Johnson.Taylor.C@epa.gov>
Subject: Fwd: ECOS question

Can we shoot this down?

Sent from my iPhone

Begin forwarded message:

From: "Lee, Stephen" <stephenlee@bloombergenvironment.com>
Date: November 15, 2019 at 1:38:03 PM EST
To: "Abboud, Michael" <abboud.michael@epa.gov>
Subject: ECOS question

Hey Michael. Thanks again for the invite to this morning's session. It was really interesting and I'm writing about it now.

I mentioned I had a question about ECOS. I heard a rumor that EPA has frozen the \$200,000 grant ECOS uses for salaries, supposedly in "retaliation for ECOS sending a letter to the administrator requesting to talk about the California actions from EPA."

Is there any truth to this?

Stephen Lee

Reporter

Bloomberg Environment

Direct: 703-341-3698

Mobile: 202-297-7249

Twitter: @sklee_ca

stephenlee@bloombergenvironment.com

Message

From: Misael Cabrera [cabrera.misael@azdeq.gov]
Sent: 12/3/2019 8:18:59 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
CC: Wright, Peter [wright.peter@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Tara Ousley [ousley.tara@azdeq.gov]
Subject: Re: Case Study in Lack of Cooperation: Morenci School District in Arizona

Gentlemen,

Thank you so very much for the response. It's not lost on me that you have a whole country to steward and that your time is incredibly limited; your response and offer to meet is a gift! Thank you.

My assistant is working on flights for a Monday meeting. Please have your assistant contact her to set a specific time for Monday (I may have to fly out on Sunday night if its a morning meeting, which is OK).

Tara Ousley
602.771.4406
(e-mail above)

Thank you so very much and I deeply appreciate the responsiveness.

Sincerely,

Misael Cabrera, PE

Director

Ph: 602-771-2203



azdeq.gov

Your feedback matters to ADEQ. Visit azdeq.gov/feedback

On Tue, Dec 3, 2019 at 11:19 AM Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Misael let us know what will work for you.

From: Wright, Peter <wright.peter@epa.gov>

Sent: Tuesday, December 3, 2019 12:34 PM

To: Benevento, Douglas <benevento.douglas@epa.gov>; Cabrera.misael@azdeq.gov
Cc: Cook, Steven <cook.steven@epa.gov>
Subject: RE: Case Study in Lack of Cooperation: Morenci School District in Arizona

Doug and Misael

If Monday next week is a possibility then I am available. I head out to the Brownfields conference on Tuesday morning. I am available by phone next week. I know that Steven is traveling all of next week.

Peter

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Tuesday, December 3, 2019 10:59 AM
To: Wright, Peter <wright.peter@epa.gov>; Cabrera.misael@azdeq.gov
Cc: Cook, Steven <cook.steven@epa.gov>
Subject: RE: Case Study in Lack of Cooperation: Morenci School District in Arizona

Since Misael is going to be in D.C. next week, would it make sense for us to meet in person when he is here? Perhaps we could have a conference call number lined up if we additional state or federal staff was necessary.

From: Wright, Peter <wright.peter@epa.gov>
Sent: Tuesday, December 3, 2019 9:38 AM
To: Cabrera.misael@azdeq.gov
Cc: Cook, Steven <cook.steven@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: Case Study in Lack of Cooperation: Morenci School District in Arizona

Misael

Doug, Steven and I have not had a chance to speak together regarding your email from last week due to the holiday. This is a priority and we will be contact with you this week.

Peter

Peter C. Wright

Assistant Administrator

Office of Land and Emergency Management

1301 Constitution Ave

202-566-0200

From: Misael Cabrera <cabrera.misael@azdeq.gov>

Sent: Wednesday, November 27, 2019 5:56 PM

To: Wright, Peter <wright.peter@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>

Subject: Case Study in Lack of Cooperation: Morenci School District in Arizona

Dear Doug, Peter, and Steve:

I received a copy of the e-mail below and briefing from my staff after I spoke to Doug earlier today and I thought it opportune to escalate immediately. I am going to recap the Morenci School issue that I previously brought to your attention as indicative of the lack of cooperation between Region 9 and Arizona. From Arizona's perspective, the recent and unfortunate ECOS letter was rooted in part in fear, but also in frustration regarding Regional decisions that seem to be supported by HQ (see e-mail below). In short, we simply do not believe this sort of behavior is indicative of cooperative federalism.

Background

- In January 2018, a Phoenix-based NGO, Don't Waste Arizona (DWA), petitioned EPA Region 9 to conduct Superfund (CERCLA) investigation in the town of Clifton-Morenci. EPA conducted a Preliminary Assessment (PA) that focused on the public schools in Morenci, where DWA raised concerns that the schools were built on top of former mine tailings. Based on the information in the PA, EPA is moving forward with a Site Investigation.
- Through ADEQ's Voluntary Remediation Program (VRP), Freeport McMoRan (FMI) has a successful history with conducting town cleanups across their mining locations to address impacts from historic smelter operations (see attached successes). FMI has an approved VRP application for Clifton and

Morenci that is next in line to be addressed. FMI has agreed to accelerate their schedule specifically to address the school.

- ADEQ believes this site should be managed under the VRP Program instead through the CERCLA process. The School Superintendent recently sent a letter to EPA stating that they would prefer that any investigative and remedial actions (if necessary) remain under ADEQ's management.
- EPA Region 9 is not inclined to allow ADEQ to manage the site through VRP; however, in response to the letter from the School District, EPA Region 9 is contemplating entering into a Cooperative Agreement (CA) with ADEQ to manage the site. Unfortunately, the CA requires the site to follow the CERCLA process versus ADEQ's goal of using VRP. In addition, we are told that the CA would take 2-3 months to establish.
- **Region 9 told my staff today that if the school does not grant them access, they are going to start drafting an administrative order!**
- VRP is a powerful tool that allows companies to do the right thing in an expedited fashion with ADEQ oversight. It rewards cooperative responsible parties by avoiding the stigma, litigation, and outright waste of most traditional clean-up programs, especially CERCLA.
- We have told Region 9 that we are willing to share all information and data with them and that the entire process will be transparent. **In return, they filed a public records request to scrutinize a program that they simply object to; in my view, due to a specific and palpable world-view that only the Federal Government can protect the environment well and that responsible parties are not to be trusted.**

Key Considerations

- Arizona is not a State that believes that cooperative federalism means that US EPA should never exercise its federal mandates within States.
- We have requested Region 9's help in a multitude of matters including defeat device detection, the West VanBuren State Clean-up site and PFAS at Davis Monthan AFB and Arizona Air National Guard (TIAA CERCLA Site).
- From Region 9's other programs, we have seen a consistent willingness to problem-solve and collaborate. From the CERCLA program, however, what we see is slow response to major issues like a PFAS plume that is impacting the City of Tucson's drinking water supply, and in the case of West Vanburen, bureaucratic calisthenics to avoid expanding an existing CERCLA site that is clearly hydrologically and chemically connected to a State Clean-up site.
- **What we also see from Region 9 CERCLA is a willingness to threaten an Administrative Order on a school district when our State could easily address the issue.** It's hard to imagine worse behavior during any previous Regional Administration.

Request

- We are requesting US EPA's help with the DOD for a massive PFAS plume in Tucson (10,000+ ppt of PFAS)
- We are requesting help with West Vanburen which is physically and chemically indistinguishable from the Motorola 52nd Street NPL site plume
- We are requesting to be trusted to continue a successful voluntary program that rewards companies for doing the right thing (see attached successes)
- We request that Region 9 stop its approach of coercing access from the Morenci School District (see attached letter from the school superintendent)

Respectfully,

Misael Cabrera, PE

Director, Arizona Department of Environmental Quality

----- Forwarded message -----

From: **Clements, Mindy** <clements.mindy@epa.gov>

Date: Fri, Nov 15, 2019 at 12:35 PM

Subject: Next steps for Morenci Schools - ADEQ reply requested by COB 11/19

To: Tina LePage <lepage.tina@azdeq.gov>

Cc: Ramirez, Leslie <Ramirez.Leslie@epa.gov>, Duncan, Will <Duncan.Will@epa.gov>, Herrera, Angeles <Herrera.Angeles@epa.gov>, LEE, LILY <LEE.LILY@epa.gov>

Hi Tina,

Hope you are well. I wanted to reach out to you regarding a letter the Site Assessment office received from Dr. David Woodall from the Morenci Unified School District. They have requested and indicated that “moving forward, it would be our preference that the Arizona Department of Environmental Quality lead” the process of the soil sampling that is a follow-up to the Preliminary Assessment. I have checked with the EPA headquarters Office of Superfund Remediation and Technology Innovation on the best recommendation to proceed. The EPA HQ listing office today responded that based on EPA regulations, in order for the State to perform the functions required under a CERCLA Site Inspection (SI), the State of Arizona has to request participation under the Cooperative Agreement to perform the SI at the Morenci Schools site as a site-specific cooperative agreement. In order to respond to the Morenci School District, I am kindly asking for a response from you on behalf of ADEQ as to whether the State of Arizona is interested in requesting a site-specific cooperative agreement for the Morenci Schools site and the timeframe ADEQ needs to submit the required support documents, including Quality Assurance plans, to EPA for approval. The reply from ADEQ is requested by COB 11/19.

Thank you,

Mindy Clements

US EPA R9 SFD Site Assessment & Tech Support

415-972-3169 W 415-308-4154 M

Message

From: Barbery, Andrea [Barbery.Andrea@epa.gov]
Sent: 12/4/2019 8:55:12 PM
To: Richardson, RobinH [Richardson.RobinH@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]; Carter, Brittany S. [carter.brittany@epa.gov]; Garvey, Megan [garvey.megan@epa.gov]
Subject: ECOS Letter to Wheeler
Attachments: Letter to U.S. EPA (1).pdf

Hi – please see the attached letter from ECOS. Jim Macy plans to send this over today.

Thanks,
Andrea Barbery
202-564-1397

Message

From: Richardson, RobinH [Richardson.RobinH@epa.gov]
Sent: 12/4/2019 10:52:55 PM
To: Darwin, Henry [darwin.henry@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Carter, Brittany S. [carter.brittany@epa.gov]
CC: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: FW: Clarification Letter from ECOS
Attachments: Letter to U.S. EPA jm 12-4-19.pdf

Hi Henry, Joe & Britt – Sending this along for your awareness. Best, Robin

Robin H Richardson
Principal Deputy Associate Administrator
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-564-3358 (desk)
703-581-5814 (cell)
richardson.robinh@epa.gov

From: Macy, Jim <jim.macy@nebraska.gov>
Sent: Wednesday, December 04, 2019 4:35 PM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Donald Welsh <dwelsh@ecos.org>; Aaron Keatley <keatleya@michigan.gov>; Ameko Pato <ameko.pato@epa.as.gov>; Austin Caperton <austin.caperton@wv.gov>; Basil Seggos <basil.seggos@dec.ny.gov>; Ben Grumbles <ben.grumbles@maryland.gov>; bpigott <bpigott@idem.in.gov>; Carol Comer <carol.comer@dnr.mo.gov>; Catherine McCabe <catherine.mccabe@dep.nj.gov>; Chuck Brown <chuck.brown@la.gov>; Clark <clarkl20@michigan.gov>; Clark Freise <clark.freise@des.nh.gov>; Crowell <bcrowell@dcnr.nv.gov>; Darsi Foss <darsi.foss@wisconsin.gov>; David Paylor <david.paylor@deq.virginia.gov>; David Salyers <david.salyers@tn.gov>; Ed Galbraith <ed.galbraith@dnr.mo.gov>; Ed Tormey <ed.tormey@dnr.iowa.gov>; Eileen Murphy <eileen.murphy@dec.ny.gov>; Emily Boedecker <emily.boedecker@vermont.gov>; Gary Rickard <grickard@mdeq.ms.gov>; dglatt@nd.gov; Greg Young <Greg.young@tn.gov>; Lance R. LeFleur <llefleur@adem.alabama.gov>; James Kenney <james.kenney@state.nm.us>; Janet Coit <janet.coit@dem.ri.gov>; Jared Blumenfeld <jared.blumenfeld@calepa.ca.gov>; Jason Brune <jason.brune@alaska.gov>; Jerry Reid <jerry.reid@maine.gov>; jess.byrne@deq.idaho.gov; Jill Hunsaker Ryan <jill.hunsakerryan@state.co.us>; jim macy <jim.macy@nebraska.gov>; Jim Rizk <jim.rizk@tceq.texas.gov>; John J. Kim <john.j.kim@illinois.gov>; John Putnam <john.putnam@state.co.us>; john.tippets@deq.idaho.gov; Jon Niermann <jon.niermann@tceq.texas.gov>; JP Oriol <jp.oriol@dpnr.vi.gov>; Julie Moore <julie.moore@vermont.gov>; Katie Dykes <katie.dykes@ct.gov>; keith.kawaoka@doh.hawaii.gov; Kenneth Wagner <kenneth.wagner@ee.ok.gov>; keogh@adeq.state.ar.us; Laura Bishop <laura.bishop@state.mn.us>; Lauren Curry <lauren.curry@dnr.ga.gov>; Laurie Stevenson <laurie.stevenson@epa.ohio.gov>; Leo Henning <leo.henning@ks.gov>; glovato@ndep.nv.gov; Lynn Kent <lynn.kent@alaska.gov>; Maia Bellon <maia.bellon@ecy.wa.gov>; Martin Suuberg <martin.suuberg@mass.gov>; Michael Keyack <keyack.michael@azdeq.gov>; Michael Regan <michael.regan@ncdenr.gov>; Cabrera.misael@azdeq.gov; Noah Valenstein <noah.valenstein@dep.state.fl.us>; P McDonnell <pmcdonnell@pa.gov>; Peter Walke <peter.walke@vermont.gov>; Preston Cole <preston.cole@wi.gov>; reecemc@dhec.sc.gov; Richard Dunn <richard.dunn@dnr.ga.gov>; Richard Whitman <whitman.richard@deq.state.or.us>; Robert Scott <robert.scott@des.nh.gov>; Robert.Zimmerman@delaware.gov; Scott Baird <scottbaird@utah.gov>; Scott G. Mandirola <scott.g.mandirola@wv.gov>; Scott Thompson <scott.thompson@deq.ok.gov>; Serena McIlwain <serena.mcilwain@calepa.ca.gov>; Shaun McGrath <shaun.mcgrath@mt.gov>; Shawn Garvin <shawn.garvin@delaware.gov>; Sheila Holman <sheila.holman@ncdenr.gov>; Toby Baker <toby.baker@tceq.texas.gov>; Todd Parfitt <todd.parfitt@wyo.gov>; Todd Rettig <todd.rettig@illinois.gov>; Tommy Wells <tommy.wells@dc.gov>; tony.hatton@ky.gov; Vazquez <tvazquez@drna.pr.gov>; Walter Leon Guerrero

<walter.leonguerrero@epa.guam.gov>

Subject: Clarification Letter from ECOS

Administrator Wheeler

Please find the attached letter that we hope will rectify any concerns with ECOS. We look forward to working with you as co-regulators advancing protection of public health and the environment.

Sincerely

Jim Macy

Director
Nebraska Department of Environment and Energy
402 471 3383



Environmental Council of the States

1250 H Street NW, Suite 850 | Washington, DC 20005
(202) 266-4920 | www.ecos.org

December 4, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Sent via email to wheeler.andrew@epa.gov

Dear Administrator Wheeler:

The Environmental Council of the States (ECOS) sent you a letter (September 26, 2019) based on several concerns from a majority of our members regarding an apparent change in the process outlined in your memo to Regional EPA Administrators on October 30, 2018. This letter provides additional context to our concerns and also gratefully acknowledges important progress your administration has made in further defining co-regulation and states' rights to enable both EPA and the states to govern more efficiently and effectively on many critical matters impacting public health and the environment.

Specifically, EPA's memorandum of October 30, 2018 highlights the following:

1. The 2018-2022 EPA Strategic Plan identifies Cooperative Federalism (goal 2) as a fundamental priority for your agency.
2. The purpose of EPA's efforts is to provide certainty in oversight for the EPA and its co-regulators.
3. EPA has the responsibility to support and oversee programs implemented by the states.
4. Effective and frequent communication is the cornerstone of a collaborative and accountable co-regulator relationship.
5. In addition, a "no surprises" goal can be met if states, tribes and EPA regions ensure senior leaders are informed and speak regularly.
6. EPA generally should communicate with the state or tribe before acting in a statutory program that is state or tribal implemented.

ECOS members became concerned over the process by which several EPA actions were initiated and communicated to states in ways we considered out of ordinary and newly established practices. Several states have encountered process, rule development and regional oversight issues that we believe warrant further discussion with EPA. The ECOS response to this reflected a real concern and desire that this or any future administration continue the advancement of effective and established processes that do not constrain states' abilities as co-regulators to effectively administer their delegated programs.

ECOS is proud of the fact that we have been able over the years to cooperate and deepen our partnership with EPA on important environmental issues. ECOS and EPA over our 26-year relationship have shared many ups and weathered a

Jim Macy
Nebraska Department of
Environment and Energy
ECOS President

Patrick McDonnell
Pennsylvania Department of
Environmental Protection
ECOS Vice President

Ben Grumbles
Maryland Department of the
Environment
ECOS Secretary-Treasurer

Becky Keogh
Arkansas Department of Energy and
Environment
ECOS Past President

Donald Welsh
ECOS Executive Director

Environmental Council of the States

few downs. Regardless of the circumstance, we have always considered an open and honest dialogue as a hallmark of our relationship. This is reflected in many more collaborative and significant improvements than we each could individually have achieved on our own. ECOS would welcome a return to the open dialogue at the senior leadership level we enjoyed between EPA and our organization on behalf of all our states.

We at ECOS realize that our member states are not all the same and bring many diverse experiences and positions to the table. Also, we believe we can be more efficient together and with EPA in improving our collaborative and co-regulatory practices rather than as individual states. The technical and financial support to ECOS over the years has been a fundamental key to both the EPA and the states' success. All states and EPA benefit from access through an organization that celebrates a collaborative approach and inclusion of ideas big and small. We are confident that both organizations, as partners, will be able to move past any temporary differences to more effectively communicate and leave a legacy of environmental protection through shared technical support, collaborative administrative processes and policies that stand the test of time.

Sincerely

A handwritten signature in black ink, appearing to read 'Jim Macy', written over a horizontal line.

Jim Macy
President

Environmental Council of the States

CC: Doug Benevento, Associate Deputy Administrator, U.S. EPA
Robin Richardson, Principal Deputy Associate Administrator, OCIR, U.S. EPA

Message

From: Kenneth Wagner [Kenneth.Wagner@ee.ok.gov]
Sent: 12/9/2019 3:26:54 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]; Garvey, Megan [garvey.megan@epa.gov]
Subject: Re: [External] Meeting December 10 - Draft Agenda

Doug/Megan: I will be joining the meeting via phone. Looking forward to the conversation

Ken

Kenneth E. Wagner
Secretary of Energy & Environment
State of Oklahoma
204 N. Robinson Ave.
Oklahoma City, OK. 73102

(405)437-9024 cell
(405)522-7099 office

kenneth.wagner@ee.ok.gov

On Dec 4, 2019, at 2:51 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Please use the WJCN security entrance next to the METRO escalator.
If you have any problems, please call Connie at (202)564-3279.

EPA Headquarters – Meeting Room 3530 WJCN (William Jefferson Clinton Bldg North)
Conference Line: **Ex. 6**; **Access Code:** **Ex. 6**
Tuesday, December 10th @ 10:00AM to Noon

All:

Thanks for agreeing to meet next week. I really look forward to catching up with all of you. Below is a set of questions to consider before the meeting followed by an agenda for the meeting. The agenda is meant to be a guideline more than a rule. It's really meant to lay out my thinking on how a conversation could proceed, we can deviate from it or abandon it as we see fit. When developing the agenda I have in bold the topic and then which party can best address the topic. I am hoping to have a robust conversation about state – federal relations. My goal is leave with a better understanding of what is going well and what is not and a path forward.

If you have revisions or deletions to the agenda please let me know I am happy to make any changes necessary if you believe it will lead to a more productive meeting.

Safe travels everyone,

Doug

Questions for the states to consider before the meeting. [Please consider both the EPA Regional and HQ/National Program Office level. Specific examples are helpful.]

- a. What in the state-EPA relationship is working well?

- b. What is not working well?
- c. What changes could EPA make to strengthen the relationship?
- d. What could the states do better?

Agenda

1. Introductions – EPA

- a. Welcome
- b. Why are we here?
- c. Goals
 - i. <!--[if !supportLists]--><!--[endif]-->Better understand the status of the relationship generally
 - ii. <!--[if !supportLists]--><!--[endif]-->Path forward for EPA and ECOS

2. State – EPA relationship – EPA

- a. How does EPA interact with the states?
 - i. <!--[if !supportLists]--><!--[endif]-->EPA Regions
 - 1. Regional career staff
 - 2. RAs
 - a. Primary source of engagement
 - i. <!--[if !supportLists]--><!--[endif]-->HQ relies upon RAs
 - ii. <!--[if !supportLists]--><!--[endif]-->HQ Presentations
 - 1. Tate Bennett, Associate Administrator of Public Engagement and Environmental Education
 - 2. Britt Carter, Director of Intergovernmental Relations

3. ECOS Sept. 26, 2019 Letter to EPA - EPA and States

- a. EPA
 - i. <!--[if !supportLists]--><!--[endif]-->Reaction and perspective
 - ii. <!--[if !supportLists]--><!--[endif]-->Background on recent EPA actions
- b. States
 - i. <!--[if !supportLists]--><!--[endif]-->Letter development and intention
 - ii. <!--[if !supportLists]--><!--[endif]-->Expected reception from EPA
 - iii. <!--[if !supportLists]--><!--[endif]-->State/ECOS follow up

4. What is working and what is not? - EPA and States

5. Path Forward – EPA and States

- a. ECOS generally - EPA
 - i. <!--[if !supportLists]--><!--[endif]-->Future interaction
- b. Letter clarification
- c. What steps should we take moving forward?
- d. Action items

Message

From: LeFleur, Lance R [llefleur@adem.alabama.gov]
Sent: 12/10/2019 2:48:23 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: RE: Meeting December 10 - Draft Agenda
Attachments: 2019 10 18 LeFleur to Macy and Welsh of ECOS.pdf

FYI

Copy of letter from ADEM to ECOS

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Tuesday, December 10, 2019 6:20 AM
To: LeFleur, Lance R <llefleur@adem.alabama.gov>
Subject: RE: Meeting December 10 - Draft Agenda

Thanks Lance

From: LeFleur, Lance R <llefleur@adem.alabama.gov>
Sent: Monday, December 9, 2019 8:08 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: Re: Meeting December 10 - Draft Agenda

Doug

Unfortunately the airline cancelled flight and no flights available that will allow me to attend. I will call in and participate by phone.

Best regards

Lance LeFleur

Sent from my iPhone

On Dec 4, 2019, at 4:51 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

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If you have any problems, please call Connie at (202)564-3279.

EPA Headquarters – Meeting Room 3530 WJCN (William Jefferson Clinton Bldg North)

Conference Line: Ex. 6; **Access Code:** Ex. 6

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- b. What is not working well?
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Agenda

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 - a. Welcome
 - b. Why are we here?
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 - i. Better understand the status of the relationship generally
 - ii. Path forward for EPA and ECOS
2. **State – EPA relationship – EPA**
 - a. How does EPA interact with the states?
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 - i. HQ relies upon RAs
 - ii. HQ Presentations
 1. Tate Bennett, Associate Administrator of Public Engagement and Environmental Education
 2. Britt Carter, Director of Intergovernmental Relations
3. **ECOS Sept. 26, 2019 Letter to EPA - EPA and States**
 - a. EPA
 - i. Reaction and perspective
 - ii. Background on recent EPA actions
 - b. States
 - i. Letter development and intention
 - ii. Expected reception from EPA
 - iii. State/ECOS follow up
4. **What is working and what is not? - EPA and States**
5. **Path Forward – EPA and States**
 - a. ECOS generally - EPA
 - i. Future interaction
 - b. Letter clarification
 - c. What steps should we take moving forward?
 - d. Action items



Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

October 18, 2019

Jim Macy
President, ECOS
VIA EMAIL jim.macy@nebraska.gov

Donald Welsh
Executive Director, ECOS
VIA EMAIL dwelsh@ecos.org

Gentlemen:

In anticipation of the October 21 conference call on how the ECOS relationship with EPA is to be managed this correspondence is to set out some thoughts from the Alabama Department of Environmental Management (ADEM).

Due to schedule conflicts I was unable to participate the Executive session on September 26 or the conference call on October 2. As best I can determine the letter from the Environmental Council of States dated September 26, 2019 addressed to Administrator Wheeler was in response to certain EPA correspondence with the State of California on that same date and a publication in the Federal Register. It may have also be in response to earlier EPA correspondence with officials in New Jersey.

It appears the states present at the Executive session believed EPA acted without an acceptable level of consultation with California and that action was indicative of a failure of EPA to properly engage in Cooperative Federalism. It also appears there was a concern that EPA failing to engage in an appropriate level of Cooperative Federalism with California is an affront to all states.

EPA's actions with California may very well have been inconsistent with expectations, however, I believe taking time to fully consider the matter would have resulted in a more reasoned response and would have been more productive. Given time to fully consider the matter before sending the letter might have put the issues in better perspective. For example, the September 26, 2019 letter from Andrew Wheeler to California Governor Newsom may have been tied in to other issues such as the automobile mileage controversy and the possibility of withholding certain federal funding from California. It may have been prompted by a genuine realization by EPA that it needed to exercise better oversight. These issues between EPA and California have been in play directly and indirectly for some time.

As regards the automobile mileage issue, both California and EPA have legitimate interests. While there has been an understanding that individual states generally have the option to develop environmental standards that are more stringent than EPA, in this specific case California's decision to implement a more stringent mileage standard is in effect binding on all states. California would be taking away the ability of



other states to utilize EPA standards. When a proposed action by a single state directly impacts all other states those other states and EPA are entitled to be part of the conversation.

I offer the following observations / opinions:

1. Consideration of the letter was not on the agenda for the meeting of the Executive Committee meeting on September 26, 2019.
2. There was no mention of such a letter being considered at any time prior to the Executive session that took place on September 26, 2019 which is inconsistent with long established ECOS past practice of advance notification of contemplated actions.
3. Without notice, adequate opportunity for consideration and input by all states was not afforded which is inconsistent with the ECOS principle of consensus action by ECOS.
4. The hasty process of developing and publishing the letter sets a bad precedent for future ECOS actions.
5. The tone of the letter is unnecessarily confrontational and inconsistent with any historical precedent of the ECOS organization in dealing with EPA.
6. The letter does not show due deference for EPA as the major financial contributor to ECOS, without such support ECOS would likely not exist.
7. The letter went to EPA without the courtesy of any advanced notice to EPA or some of the states and is a public blind side to EPA much the same as the EPA action that states find objectionable.
8. The letter damages (hopefully not irreparably) the goodwill and mutual respect developed between EPA and ECOS that has been developed since ECOS was organized.
9. The letter damages (hopefully not irreparably) the goodwill and mutual respect developed between the individual states that are members of ECOS that has been developed since ECOS was organized.
10. The letter does not clearly identify the EPA actions with which the author(s) take issue.
11. Although it has not been specifically made clear to me what the contentious issues prompting the letter are, it is my understanding the author(s) are referring to the concerns of several individual states, not issues deemed by all states to be areas for concern.
12. It is likely that the issues objected to by a few states are in fact supported by other states.
13. There are more appropriate avenues for individual state concerns to be expressed including state one-on-one conversations with EPA representatives or ECOS representatives having conversations with EPA representatives making it clear the views are only from a subset of all states.
14. During prior EPA administrations there were issues objected to by some states and supported by other states and if a consensus could not be reached ECOS did not select one point of view and reject the other and then present the selected position to be the consensus of all states.
15. States that do not agree with the letter are now perceived by EPA and the public as having agreed to the letter.
16. The letter very well may result in media incorrectly developing the narrative that the states are unanimously at odds with EPA and then using the narrative for partisan political purposes.

The process to develop the letter, the tone of the letter, the lack of specifics in the letter, the failure to first employ other options to address the issues, and the implication that the letter represents the

Jim Macy and Donald Welsh
10/18/19
Page 3 of 3

consensus of all the states lead ADEM to suggest that a more thoughtful and measured approach would have been preferred.

I suggest efforts be made to de-escalate the situation. Engaging with EPA in a non-confrontational manner to address the areas of concern very well may lead to a more acceptable resolution for all and maintain mutually beneficial relationships.

I look forward to our conference call on Monday.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance R. LeFleur". The signature is fluid and cursive, with the first name "Lance" being more prominent.

Lance R. LeFleur
Director

LRL/lc

Message

From: Abboud, Michael [abboud.michael@epa.gov]
Sent: 12/12/2019 5:53:20 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
CC: Block, Molly [block.molly@epa.gov]; Carter, Brittany S. [carter.brittany@epa.gov]; Pic, Jordan [pic.jordan@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Coxen, Carrie [coxen.carrie@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]
Subject: Re: query on deadline about EPA/state relationship

FYI the reporter also reached out to Jim Macy for comment as well.

Sent from my iPhone

On Dec 12, 2019, at 12:32 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

From: Block, Molly <block.molly@epa.gov>
Sent: Thursday, December 12, 2019 12:08 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Carter, Brittany S. <carter.brittany@epa.gov>; Pic, Jordan <pic.jordan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Coxen, Carrie <coxen.carrie@epa.gov>
Subject: RE: query on deadline about EPA/state relationship

We could always say something along the lines of:

Ex. 5 Deliberative Process (DP)

We work tirelessly to partner with leaders at the state, local, and tribal level. We continue to look forward to working with ECOS on a variety of environmental issues.

- <https://www.epa.gov/newsreleases/epa-announces-policy-enhance-enforcement-and-compliance-assurance-partnerships-states>
- <https://www.epa.gov/newsreleases/epa-participates-oil-and-natural-gas-stakeholder-roundtable-states-tribes-operators-and>

From: Abboud, Michael <abboud.michael@epa.gov>

Sent: Thursday, December 12, 2019 11:51 AM

To: Block, Molly <block.molly@epa.gov>

Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Carter, Brittany S. <carter.brittanys@epa.gov>; Pic, Jordan <pic.jordan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Coxen, Carrie <coxen.carrie@epa.gov>

Subject: Re: query on deadline about EPA/state relationship

The grants part is bs and we shot that down previously.

Sent from my iPhone

On Dec 12, 2019, at 11:22 AM, Block, Molly <block.molly@epa.gov> wrote:

Doug, Britt and Jordan –

Please see the inquiry below. I know Doug is working on a response, but please let us know how you'd like us to respond.

Molly

From: Doug Obey <doug.obey@iwpnews.com>

Sent: Thursday, December 12, 2019 11:12 AM

To: Press <Press@epa.gov>

Subject: query on deadline about EPA/state relationship

Greetings:

Seeking a response by 2PM for a story running today.

The Environmental Council of the States in September wrote a letter to EPA expressing concerns about EPA actions the group claimed run counter to cooperation with states and seeking a meeting with EPA Administrator Andrew Wheeler.

EPA subsequently issued a statement defending its relationship to states and noting in part that the current EPA has worked with individual State Departments of Environmental Quality "in a manner unlike the previous Administration, and it will continue to consistently work with states on issues the previous Administration ignored."

We are now hearing that EPA has yet to grant Environmental Council of the States' September request for the meeting, and that EPA also responded to the request by recalling an agency staffer on temporary assignment to ECOS back to EPA.

We are also hearing that agency communication with the group has been poor and that pending grants to the group have been held up.

Does the agency have any comment?

Thanks.

--

Doug Obey
Senior Editor
Inside EPA -- Climate
703-416-8575

Message

From: Abboud, Michael [abboud.michael@epa.gov]
Sent: 12/12/2019 6:33:16 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]; Block, Molly [block.molly@epa.gov]
CC: Carter, Brittany S. [carter.brittany@epa.gov]; Pic, Jordan [pic.jordan@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Coxen, Carrie [coxen.carrie@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]
Subject: RE: query on deadline about EPA/state relationship

Love when we can tell a publication they can't ask a question correctly. Will send this over thank you everyone.

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Thursday, December 12, 2019 12:33 PM
To: Block, Molly <block.molly@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Cc: Carter, Brittany S. <carter.brittany@epa.gov>; Pic, Jordan <pic.jordan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Coxen, Carrie <coxen.carrie@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>
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Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Carter, Brittany S. <carter.brittanys@epa.gov>; Pic, Jordan <pic.jordan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Coxen, Carrie <coxen.carrie@epa.gov>

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--

Doug Obey
Senior Editor
Inside EPA -- Climate
703-416-8575

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 9/26/2019 8:54:46 PM
To: Ross, David P [ross.davidp@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
Subject: Dave, this is what I'm looking for. Turn around much appreciated

Ex. 5 Deliberative Process (DP)

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999
jackson.ryan@epa.gov

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 9/26/2019 9:06:27 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Wright, Peter [wright.peter@epa.gov]
Subject: I'm providing this to Wheeler re ECOS statement
Attachments: Document1.docx

Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 9/26/2019 9:11:27 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Wright, Peter [wright.peter@epa.gov]
Subject: RE: I'm providing this to Wheeler re ECOS statement
Attachments: EPA works with States.docx

I made some stylistic changes...if needed.

When you say go, we will copy edit and push.

Thank you!

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Thursday, September 26, 2019 5:06 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Subject: I'm providing this to Wheeler re ECOS statement

Message

From: Ross, David P [ross.davidp@epa.gov]
Sent: 9/26/2019 9:19:19 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Wright, Peter [wright.peter@epa.gov]
Subject: Re: I'm providing this to Wheeler re ECOS statement

One potential add for last sentence of water:

Ex. 5 Deliberative Process (DP)

Sent from my iPad

On Sep 26, 2019, at 5:11 PM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

I made some stylistic changes...if needed.

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To: Benevento, Douglas <benevento.douglas@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Subject: I'm providing this to Wheeler re ECOS statement

<EPA works with States.docx>

Message

From: Garvey, Megan [garvey.megan@epa.gov]
Sent: 1/2/2020 4:55:20 AM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: RE: Comments and Action Items - Draft AAW State Letter
Attachments: State Letter - AAW + Garvey Draft.docx

I really like the transitions and personalization you added to the letter. It reads really well. Attached are a few minor edits and I responded to a few of your comments. Does 10a work to talk? If not, I can chat earlier – before 8a or so.

Megan

Megan E. Garvey
Senior Counselor
720.376.9870

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Wednesday, January 1, 2020 5:00 PM
To: Garvey, Megan <garvey.megan@epa.gov>
Subject: RE: Comments and Action Items - Draft AAW State Letter

See the attached. I tried to work on the transitions in the letter and make it more personal, it didn't read like a letter it read like a bad list. I emailed Lee the questions regarding LCR and WIFIA and I hope to hear from him tomorrow. Let's talk tomorrow after you read the revised version, I made changes and then accepted all of your changes the ones I just made so it will read more easily. I looked at the "to do" list, let's divvy that up tomorrow. For many of the items on the list I think we can have the programs look at the "draft final" version next week, but for some (examples of hurricane response, RAU issues) we should try to have that done tomorrow or Friday.

Let me know when is a good time to talk.

From: Garvey, Megan <garvey.megan@epa.gov>
Sent: Wednesday, January 1, 2020 3:58 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: Re: Comments and Action Items - Draft AAW State Letter

Ha. That's my job! And I figured you were thinking of someone else. I do it all the time.

Sent from my iPhone

On Jan 1, 2020, at 3:34 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Ok let me see where I get on it today.

By the way thanks for correcting me ... it is Bill not "Don" Ruckelshaus, don't know where that came from I had actually been reading some of his stuff so it's even more weird I would mess it up.

From: Garvey, Megan <garvey.megan@epa.gov>
Sent: Wednesday, January 1, 2020 3:33 PM

To: Benevento, Douglas <benevento.douglas@epa.gov>

Subject: Re: Comments and Action Items - Draft AAW State Letter

Ok. Good. I'll look for the redraft. I can talk late tonight or earlier tomorrow morning if it works better for you.

Sent from my iPhone

On Jan 1, 2020, at 3:23 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Nope. I was wondering if I needed. Phone works perfect. I'll send a redraft back to you later tonight.

From: Garvey, Megan <garvey.megan@epa.gov>

Sent: Wednesday, January 1, 2020 3:22 PM

To: Benevento, Douglas <benevento.douglas@epa.gov>

Subject: Re: Comments and Action Items - Draft AAW State Letter

I wasn't planning on it.

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP) Do you need me to?

Sent from my iPhone

On Jan 1, 2020, at 2:54 PM, Benevento, Douglas
<benevento.douglas@epa.gov> wrote:

Yup. Are you going into the office at all?

From: Garvey, Megan <garvey.megan@epa.gov>

Sent: Wednesday, January 1, 2020 1:56 PM

To: Benevento, Douglas <benevento.douglas@epa.gov>

Subject: Re: Comments and Action Items - Draft AAW State Letter

I can Ex. 6 Personal Privacy (PP) and can give you a call right after. Does that work?

Sent from my iPhone

On Jan 1, 2020, at 11:56 AM, Benevento, Douglas
<benevento.douglas@epa.gov> wrote:

Can you talk tomorrow

Sent from my iPhone

On Jan 1, 2020, at 11:18 AM, Garvey,
Megan <garvey.megan@epa.gov>
wrote:

Doug,

My suggested edits and comments are
attached. Below are my thoughts on
the letter and a collection of the action
items that we need to follow-up with
program office and regional POCs on
follows.

Let me know when you want to discuss
this tomorrow. Happy New Year!

General comments

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Action items to follow up with program
office / regional POCs:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Megan E. Garvey
Senior Counselor
Office of the Administrator
U.S. Environmental Protection Agency
Work: 303.312.6192 | Cell:
720.376.9870

<State Letter - AAW + MEG.docx>

Message

From: Garvey, Megan [garvey.megan@epa.gov]
Sent: 1/1/2020 6:18:51 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: Comments and Action Items - Draft AAW State Letter
Attachments: State Letter - AAW + MEG.docx

Doug,

My suggested edits and comments are attached. Below are my thoughts on the letter and a collection of the action items that we need to follow-up with program office and regional POCs on follows.

Let me know when you want to discuss this tomorrow. Happy New Year!

General comments

Ex. 5 Deliberative Process (DP)

Action items to follow up with program office / regional POCs:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Megan E. Garvey
Senior Counselor
Office of the Administrator
U.S. Environmental Protection Agency
Work: 303.312.6192 | Cell: 720.376.9870

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 9/26/2019 9:25:52 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Wright, Peter [wright.peter@epa.gov]
Subject: updated
Attachments: ECOS Sept 26 2019 Letter to Administrator Wheeler.pdf; ECOS response.docx

Final version.

OPA, please edit the attached "ECOS response." We received the attached PDF from ECOS this evening, and we will receive media inquiries for our response. I don't think we send out anything proactive, but when we are asked we need to send the ECOS response document. Please edit ASAP and redistribute to this email.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999
jackson.ryan@epa.gov

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 9/26/2019 9:26:15 PM
To: Beach, Christopher [beach.christopher@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
Subject: RE: clean version

See most recent email I sent.

From: Beach, Christopher <beach.christopher@epa.gov>
Sent: Thursday, September 26, 2019 5:25 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: clean version

If this helps, here's an updated clean version with a few nuggets from Dave included.

Ex. 5 Deliberative Process (DP)

Message

From: Grantham, Nancy [Grantham.Nancy@epa.gov]
Sent: 1/3/2020 2:31:36 PM
To: Garvey, Megan [garvey.megan@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
Subject: ng edits to state letter
Attachments: State Letter - January 2 Draft + MEG edits (002) + NG edits.docx

Hi Doug and Megan,

Attached are my suggested edits to the letter. I have also included some suggested EPA state collaboration examples that we got from the regions.

If you need assistance on PFAS state examples, we can gladly assist.

If you all could give me a call at some point today, I have a couple of general observations.

Thanks ng

Nancy Grantham
Principal Deputy Associate Administrator
Environmental Protection Agency
Office of Public Affairs
202-564-6879 (desk)
202-253-7056 (cell)
grantham.nancy@epa.gov

Message

From: Garvey, Megan [garvey.megan@epa.gov]
Sent: 1/3/2020 5:42:41 AM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
Subject: RE: Draft Letter
Attachments: State Letter - January 2 Draft + MEG edits.docx

Hi, Doug and Nancy,

Ex. 5 Deliberative Process (DP)

Thanks, Megan

Nancy: Happy New Year!

Megan E. Garvey
Senior Counselor
720.376.9870

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Thursday, January 2, 2020 12:55 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Garvey, Megan <garvey.megan@epa.gov>
Subject: RE: Draft Letter

Will do .. and we have collected some good stories per our earlier conversation thanks ng

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Thursday, January 2, 2020 2:54 PM
To: Garvey, Megan <garvey.megan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Draft Letter

This is close to final I hope. I read through it and made some tweaks and added some info. If you two would add into this draft whatever additions you have I would appreciate it. I want to send out as close to a final version as possible by noon tomorrow. Thanks for your help.

Message

From: Garvey, Megan [garvey.megan@epa.gov]
Sent: 1/3/2020 7:47:31 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
Subject: RE: final letter
Attachments: State Letter - January 3 Draft Final - Submittal Version -_.docx

A few minor changes attached.

Megan E. Garvey
Senior Counselor
720.376.9870

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Friday, January 3, 2020 12:07 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Garvey, Megan <garvey.megan@epa.gov>
Subject: Re: final letter

Yes

Sent from my iPhone

On Jan 3, 2020, at 2:04 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Could both of you please take one final look at this and make certain there are no obvious substantive or grammatical errors before I forward it on. I would like to send in the next hour if possible. Thank you
<State Letter - January 3 Draft Final - Submittal Version - .docx>

Message

From: Grantham, Nancy [Grantham.Nancy@epa.gov]
Sent: 1/3/2020 7:57:32 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]; Garvey, Megan [garvey.megan@epa.gov]
Subject: State Letter - January 3 Draft Final - Submittal Version -_.docx
Attachments: State Letter - January 3 Draft Final - Submittal Version -_.docx

I added my tiny edits on top of Megan's .. so if you accept all changes you should have a good version.

This reads very well at this point;

Thanks ng

Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 9/26/2019 9:48:44 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Wright, Peter [wright.peter@epa.gov]
Subject: RE: updated
Attachments: ECOS response.docx

Please see attached. Chris and I made some grammatical, stylistic and overall word choice edits. Please take a read through.

Thank you!

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Thursday, September 26, 2019 5:26 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Subject: updated

Final version.

OPA, please edit the attached "ECOS response." We received the attached PDF from ECOS this evening, and we will receive media inquiries for our response. I don't think we send out anything proactive, but when we are asked we need to send the ECOS response document. Please edit ASAP and redistribute to this email.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999
jackson.ryan@epa.gov

Message

From: Garvey, Megan [garvey.megan@epa.gov]
Sent: 1/9/2020 3:13:22 PM
To: Irving, John [Irving.John@epa.gov]
CC: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: Request for information - OECA
Attachments: OECA Collaboration With and Support Provided to States 12-19-19.docx

Hi, John,

Following up from my VM. Here's the information that Susan provided to Doug a few weeks ago. We'd like a bit more re: enforcement efforts and I am hoping you can gather the following information:

- The number of compliance assistance efforts provided by EPA to the states (since 2017);
- The number of cross-state enforcement actions (since 2017);
- Any comparison numbers from previous years for the first two bullets;
- A few paragraphs on anything related to the VW and Fiat settlements since 2017 that demonstrates a positive impact on the environment.

Happy to chat about this. Thanks, Megan

Megan E. Garvey
Senior Counselor
720.376.9870

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Thursday, December 19, 2019 5:00 PM
To: Coxen, Carrie <coxen.carrie@epa.gov>; Garvey, Megan <garvey.megan@epa.gov>
Subject: FW: info

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, December 19, 2019 4:58 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: info

OECA Collaboration with and Support Provided to States

The Office of Enforcement and Compliance Assurance works in close partnership with states to promote compliance with environmental laws. We collaborate and provide support in a number of meaningful ways to state environmental agencies and associations, including through capacity building and technology sharing, partnering to bring enforcement actions when we find violations of environmental laws, working on National Compliance Initiatives, and standing check-ins to discuss work sharing and priorities for enforcement.

Partnership Policy

In July 2019 OECA issued its *Enhancing Effective Partnerships Between the EPA and the States in Civil Enforcement and Compliance Assurance Work* policy. The Policy sets forth an expectation that EPA enforcement staff communicate and coordinate with their state counterparts regarding both compliance assurance and enforcement activities in authorized programs, including joint work-planning and advance notices to states of EPA actions. The Policy is an outgrowth of work performed by an ECOS-EPA Workgroup on Enhancing State and Federal Collaboration in Compliance Assurance. The workgroup involved senior state and EPA leaders to develop a national framework and principles to foster a deeper and fuller partnership between States and EPA on our collective efforts to ensure compliance.

States as Co-Plaintiffs

Civil Enforcement

OECA works closely with states on joint civil judicial prosecutions of violations of environmental laws. Over the past five years there have been at least 90 such cases. For example, EPA's December 2019 settlement with Lehigh Cement Company included seven state and state or regional agencies as co-plaintiffs consisting of Indiana, Iowa, Maryland, New York, the Pennsylvania Department of Environmental Protection, Jefferson County Board of Health (Alabama), and Bay Area Air Quality Management District (California). The settlement resolved violations at 11 portland cement manufacturing plants. EPA's August 2019 settlement with the City of Houston included the Texas Commission on Environmental Quality as a co-plaintiff. Under the settlement, the city agreed to address longstanding problems with sanitary sewer overflows and Clean Water Act permit violations. EPA's November 2018 Clean Air Act settlement with MPLX LP included the State of Oklahoma, the Pennsylvania Department of Environmental Protection, and the State of West Virginia as co-plaintiffs. The settlement addressed violations by MPLX at 20 natural gas processing plants and will result in an estimated reduction of 1,523 tons per year of VOCs.

Superfund Cleanups

While states cannot be authorized to carry out CERCLA, states can play an integral role in the Superfund cleanup process and are active partners. States can be co-plaintiffs with the United States in matters involving both CERCLA and state law. In addition, states can take responsibility for overseeing cleanups. For example, in February 2018, EPA agreed to defer to the State of Nevada regarding oversight of the cleanup of the Anaconda Copper Mine. In October 2017, EPA transferred oversight of cleanup work at a phosphate mining site, Coronet Industries, to the Florida Department of Environmental Protection.

Smart Mobile Tools

EPA and ECOS, working through E-enterprise for the Environment, developed the overall framework to simplify and streamline reporting on field inspections. This effort also provided software for state inspectors to use on laptop computers used during hazardous waste field inspections.

Reducing NPDES Significant Noncompliance Nationally and Implement E-Reporting

OECA is collaborating with the Association of Clean Water Agencies to achieve the Agency Priority Goal to reduce the rate of significant noncompliance in the NPDES program. Over 30 states are involved in NPDES National Compliance Initiative workgroups to develop a national strategy. OECA also partnered with ECOS and

the Association of Clean Water Agencies to help implement NPDES electronic reporting, resulting in permittees in all 50 states electronically reporting their NPDES data.

Capacity Building and Training

OECA collaborates with states to develop and provide in-person and webinar training for hundreds of state employees on a wide range of topics such as inspections, evidence collection, data quality, enforcement tools and techniques, criminal matters, and cleanup activities. For example, both federal and state inspectors who require EPA credentials to conduct inspections under various statutes use the 165 on-line training courses developed by EPA to obtain credentials or for mandatory refresher training. OECA also supports the Financial Analysis Helpline that states can use. From October 2018 through September 2019, the Helpline helped more than 300 callers. OECA further facilitates a monthly EPA and States call to discuss financial assurance matters, and on average, representatives from 25-30 states participate.

Collaborating to Achieve Environmental Compliance at Federal Facilities

OECA partners with states to foster environmental compliance at federal facilities, including joint inspections at federal facilities. For example, in FY 19, OECA held an ECOS/EPA/DOE Dialogue to address cleanup challenges at complex Department of Energy NPL sites.

Partnership on Enforcement and Compliance Data

OECA works collaboratively with ECOS to administer an annual data verification process. The data verification process is intended to give states an opportunity to ensure data reported to EPA data systems is complete and accurate. EPA's ECHO Governance Team, composed of EPA and state representatives, works together to develop recommendations on how state data are collected, aggregated, and republished, consistent with ECOS Resolution 11-2, "Respectful Use of Data."

Grants to States

OECA enters into cooperative agreements with states to support state and tribal compliance and enforcement activities under FIFRA (about \$18 million a year). OECA also funds grants that support state inspections for compliance with TSCA lead-based paint programs, as well as the Asbestos Hazard Emergency Response Act, TSCA PCB restrictions (about \$5 million a year).

Message

From: Jackson, Ryan [jackson.ryan@epa.gov]
Sent: 9/26/2019 10:17:06 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Wright, Peter [wright.peter@epa.gov]
CC: Abboud, Michael [abboud.michael@epa.gov]
Subject: RE: updated

We can always blast it out later, but the wisest course is likely just responding to individual reporters.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Thursday, September 26, 2019 6:14 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: updated

Ok...sounds good. Do you want to blast it out when we receive the first inquiry...or just respond to individual reporters? Happy to do either, but was thinking using as response to individual reporters.

Will wait to see what Doug sends, as well.

Thank you!

From: Jackson, Ryan <jackson.ryan@epa.gov>
Sent: Thursday, September 26, 2019 6:08 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Subject: RE: updated

Looks great. Thank you. If we receive a press inquiry on this, we need to issue this release tonight.

However, Doug has quotes from states so hold on this and maybe we could send the release when asked with the quotes from states Doug is collecting.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Thursday, September 26, 2019 5:49 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Subject: RE: updated

Please see attached. Chris and I made some grammatical, stylistic and overall word choice edits. Please take a read through.

Thank you!

From: Jackson, Ryan <jackson.ryan@epa.gov>

Sent: Thursday, September 26, 2019 5:26 PM

To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>

Subject: updated

Final version.

OPA, please edit the attached "ECOS response." We received the attached PDF from ECOS this evening, and we will receive media inquiries for our response. I don't think we send out anything proactive, but when we are asked we need to send the ECOS response document. Please edit ASAP and redistribute to this email.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999
jackson.ryan@epa.gov

Message

From: Garvey, Megan [garvey.megan@epa.gov]
Sent: 1/11/2020 5:39:07 AM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: RE: letter
Attachments: Final Markup State Letter - January 3 Draft Final - Submittal Version - _ (003) .docx + MEG.docx

A few suggested edits/comments attached.

Megan E. Garvey
Senior Counselor
720.376.9870

From: Garvey, Megan
Sent: Friday, January 10, 2020 11:05 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: letter

Looking at this now.

FYI – we received all the regional annual reports by today’s deadline (except R10 – they need until Monday morning and have been proactive about asking for more time). Some of these reports have good nuggets you may want to include in the state letter. I attached Region 5 and 6 as really good examples.

See other reports in SharePoint:

Ex. 6

H *Carrie will get these in a binder for you if she hasn’t already...

Megan

Megan E. Garvey
Senior Counselor
720.376.9870

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Friday, January 10, 2020 6:32 PM
To: Garvey, Megan <garvey.megan@epa.gov>
Subject: letter

Will you look at this please. I think I’m missing a part we talked about but I don’t know what.

I need a final paragraph and this weekend I will be proofing it but my goal is to shoot it out Saturday or Sunday.

Message

From: Dunn, Alexandra [dunn.alexandra@epa.gov]
Sent: 1/12/2020 9:49:26 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: Re: Letter to States

Happy to review. And my ECOS recusal of 2 years has concluded.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Jan 11, 2020, at 2:30 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Attached is the letter we are preparing to send to the states next week. Thank all of you for your help in gathering information for the letter, it took a lot of time and I greatly appreciate it.

I would like for all of you to review this letter to ensure the facts represented for your programs are accurate. While you provided me with the information in the letter, in some cases I did characterize what you provided and I want to be sure I did so correctly.

The letter is 15 pages and broken down into different sections (e.g. air, water, enforcement) but I do have some sections that are cross cutting such as "communication with states" and "PFAS" which may warrant your attention. Alex, I do not have a "chemical" section, I used what you provided by spread it throughout the document. It is important that we are accurate because the letter will go to all 50 states. We are planning to send the letter on Wednesday, so if you or your staff could review it and provide any corrections to me by COB Tuesday, I would greatly appreciate it. If I don't hear back I will assume that you looked at it had no comment.

Finally, with a group this large trying to harmonize stylistic suggestions will be difficult in the time frame we have. I do welcome suggestions but will likely not have time to try and work through such comments. If you do have suggestions you think would be helpful please give me a call.

Thanks, I hope everyone is having a great weekend.

Doug
<Final Markup State Letter - January 11 Draft Final - Submittal Version.docx>

Message

From: Cory, Preston [Cory.Preston@epa.gov]
Sent: 1/13/2020 7:45:30 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
CC: Idsal, Anne [idsal.anne@epa.gov]; Garvey, Megan [garvey.megan@epa.gov]
Subject: RE: Letter to States
Attachments: PC Final Markup State Letter - January 11 Draft Final - Submittal Version.docx

Doug,

The OAR portions look good. I made one note on a SIP number just to ensure accuracy. Please let me know if you have any questions.

Thanks,
Preston

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Saturday, January 11, 2020 2:31 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Garvey, Megan <garvey.megan@epa.gov>
Subject: Letter to States

Attached is the letter we are preparing to send to the states next week. Thank all of you for your help in gathering information for the letter, it took a lot of time and I greatly appreciate it.

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Thanks, I hope everyone is having a great weekend.

Doug

Message

From: Darwin, Henry [darwin.henry@epa.gov]
Sent: 1/14/2020 6:46:03 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: RE: Letter to States
Attachments: RE: permitting check in; RE: State Engagement Examples; RE: State Engagement Examples

Doug:

I know its already a longish letter, but attached are a few more examples of state engagement. I don't know if you already have someone working on integrating the examples. If not, I am willing to help.

Henry

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Sunday, January 12, 2020 9:23 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Darwin, Henry <darwin.henry@epa.gov>
Subject: FW: Letter to States

Guys, I really apologize, I should have put you on this email and did not. I had been working on it most of Saturday morning and was anxious to finish it up so I just wrapped it up and sent it out. Obviously I would really appreciate any thoughts you have on the letter. Henry I do need to talk to you about some of the data in the letter, I think we have a scheduled call tomorrow.

Thanks, I apologize again for not including the three of you in the original transmittal.

I hope you guys are having a great weekend.

Doug

From: Benevento, Douglas
Sent: Saturday, January 11, 2020 2:31 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Megan Garvey <garvey.megan@epa.gov> <garvey.megan@epa.gov>
Subject: Letter to States

Attached is the letter we are preparing to send to the states next week. Thank all of you for your help in gathering information for the letter, it took a lot of time and I greatly appreciate it.

I would like for all of you to review this letter to ensure the facts represented for your programs are accurate. While you provided me with the information in the letter, in some cases I did characterize what you provided and I want to be sure I did so correctly.

The letter is 15 pages and broken down into different sections (e.g. air, water, enforcement) but I do have some sections that are cross cutting such as "communication with states" and "PFAS" which may warrant your attention. Alex, I do not

have a "chemical" section, I used what you provided by spread it throughout the document. It is important that we are accurate because the letter will go to all 50 states. We are planning to send the letter on Wednesday, so if you or your staff could review it and provide any corrections to me by COB Tuesday, I would greatly appreciate it. If I don't hear back I will assume that you looked at it had no comment.

Finally, with a group this large trying to harmonize stylistic suggestions will be difficult in the time frame we have. I do welcome suggestions but will likely not have time to try and work through such comments. If you do have suggestions you think would be helpful please give me a call.

Thanks, I hope everyone is having a great weekend.

Doug

Message

From: Gentile, Laura [Gentile.Laura@epa.gov]
Sent: 1/13/2020 4:35:02 PM
To: Darwin, Henry [darwin.henry@epa.gov]
Subject: RE: permitting check in

Sure, this is probably more than you need (if more time, I can try to distill this a bit):

In June 2019, we met with media association members at the ECOS office to share our plans to develop the proposed policy.

Following that meeting, we worked with ECOS to identify 11 state representatives who could work with us to provide input and perspective to inform our development of the policy.

We invited the state participants to share individual insights, input and perspectives based on their knowledge, programmatic experience, and understanding of issues faced by the national program and individual states.

In the interest of facilitating meaningful discussions, we began our engagement with states by convening several small group discussions focused on specific program areas (*e.g.*, air permitting). Each small group discussion included state and EPA participants. In July and August, we held approximately sixteen small group discussions (four per permit group) in preparation for a face-to-face meeting in late August.

In late August, the EPA national workgroup and state representatives met in Dallas to discuss specific program details and options for a final policy. We came out of that meeting with consensus on an overall approach for the policy.

We believe that the state participation improved our understanding of their perspectives, and expanded the diversity of potential options we considered in the policy development.

Laura Gentile
Senior Advisor, Office of Policy
U.S. EPA
Desk 202.564.3158
Cell 202.531.7162

From: Darwin, Henry <darwin.henry@epa.gov>
Sent: Monday, January 13, 2020 11:08 AM
To: Gentile, Laura <Gentile.Laura@epa.gov>
Subject: RE: permitting check in

Welcome back! I will send you the comments/edits I have so far. I'm about 75% done.

Can you please send me ASAP a few sentences describing the outreach we have done with the states so far. Wheeler is drafting a letter to ECOS describing the outreach we have done on a number of fronts.

Thanks.

Henry

From: Gentile, Laura <Gentile.Laura@epa.gov>
Sent: Monday, January 13, 2020 7:27 AM

To: Darwin, Henry <darwin.henry@epa.gov>

Subject: permitting check in

Hi Henry,

Hope all is well with you. Happy New Year! This is my first day back in the office since the holidays...

We're scheduled to meet on Thursday afternoon. Just checking to see if you have comments to share on the permitting policy.

Thanks

Laura

Laura Gentile

Senior Advisor, Office of Policy

U.S. EPA

Desk 202.564.3158

Cell 202.531.7162

Message

From: Battin, Andrew [Battin.Andrew@epa.gov]
Sent: 1/13/2020 10:30:32 PM
To: Darwin, Henry [darwin.henry@epa.gov]
CC: Richardson, RobinH [Richardson.RobinH@epa.gov]; Bloom, David [Bloom.David@epa.gov]
Subject: RE: State Engagement Examples

Henry,

Here are examples taken directly from the E-Enterprise quarterly bulletin:

- In September, Region 1 provided training to New Hampshire's Household Hazardous Waste team to assist in its adoption of a lean management system. Region 1 has also focused on improving the Performance Partnership Agreement process, a joint effort necessitating the involvement of states or tribes who use that system in support of their annual prioritizing, planning, and funding activities.
- This past June, EPA's OCI and Region 3 joined Maryland Department of the Environment Secretary Ben Grumbles and state industrial water discharge permitting staff and managers to share key lean management concepts and detail how to deploy a lean system at the state level. Building on this training, Maryland plans to expand the use of continuous process improvement.
- Region 7 has hosted numerous trainings for states and tribes on lean management and embraces learning from and sharing resources across states, such as Nebraska.
- At the November EELC meeting, Anthony DeLoach, Region 8 EERC and ELMS champion, provided information on the Region 8 quality assurance team accomplishments. Through visual management, the team is working to accelerate time and resolve sticking points, all while building team effectiveness and cohesiveness and improving working relationships with tribal partners.

Please let me know if this is what you had in mind.

Andy

Andrew T. Battin
Director, E-Enterprise for the Environment
EPA/OCFO
4443-A WJC North
1200 Pennsylvania Ave NW
Washington, DC 20460
202-566-2140 (work)
battin.andrew@epa.gov
<https://www.epa.gov/e-enterprise>

From: Darwin, Henry <darwin.henry@epa.gov>
Sent: Monday, January 13, 2020 2:55 PM
To: Richardson, RobinH <Richardson.RobinH@epa.gov>; Battin, Andrew <Battin.Andrew@epa.gov>
Subject: State Engagement Examples

We are in the process of writing a letter to ECOS describing a few examples of what EPA has done recently to engage with the states. Can you please send me a few sentences (please no more than a few) describing recent engagement efforts with the states? Robin, I was thinking the problem solving efforts. Andy, anything E-enterprise related would be useful. Unfortunately, I need this ASAP. By noon tomorrow if at all possible.

Thank you in advance.

Henry

Message

From: Richardson, RobinH [Richardson.RobinH@epa.gov]
Sent: 1/13/2020 10:26:30 PM
To: Darwin, Henry [darwin.henry@epa.gov]; Battin, Andrew [Battin.Andrew@epa.gov]
Subject: RE: State Engagement Examples

Hi Henry – Is this what you're looking for? Let me know if you need anything more. Happy to make any changes. Best,
Robin

Beginning in the Fall 2017 through today, the U.S. EPA and representative states from ECOS, through our respective Oversight Workgroups, have collaborated on a number of program areas focused on oversight of state implemented federal programs and joint problem-solving. This effort is intended to provide certainty to states and increase shared governance. Most recently, state representatives from Virginia, Nebraska, Wyoming, Oklahoma, Missouri and New Jersey met with U.S. EPA staff to discuss challenges and opportunities surrounding 303(d) lists of impaired waters. The meeting piloted a new problem-solving Framework centered on taking shared challenges and opportunities and jointly developing an opportunity statement, defining what success might look like and outlining an action plan. As work begins on this action plan, state champions are being sought for the next joint problem-solving exercise.

Robin H Richardson
Principal Deputy Associate Administrator
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-564-3358 (desk)
703-581-5814 (cell)
richardson.robinh@epa.gov

From: Darwin, Henry <darwin.henry@epa.gov>
Sent: Monday, January 13, 2020 2:55 PM
To: Richardson, RobinH <Richardson.RobinH@epa.gov>; Battin, Andrew <Battin.Andrew@epa.gov>
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Thank you in advance.

Henry

Message

From: Bodine, Susan [bodine.susan@epa.gov]
Sent: 1/14/2020 11:10:02 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: RE: Letter to States
Attachments: Final Markup State Letter - January 11 Draft Final - Submittal Version spb.docx

My edits are in redline. I did add Ft. Devens to the PFAS section.

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Saturday, January 11, 2020 2:31 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Wright, Peter <wright.peter@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hoverman, Taylor <hoverman.taylor@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>; Cory, Preston <Cory.Preston@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Garvey, Megan <garvey.megan@epa.gov>
Subject: Letter to States

Attached is the letter we are preparing to send to the states next week. Thank all of you for your help in gathering information for the letter, it took a lot of time and I greatly appreciate it.

I would like for all of you to review this letter to ensure the facts represented for your programs are accurate. While you provided me with the information in the letter, in some cases I did characterize what you provided and I want to be sure I did so correctly.

The letter is 15 pages and broken down into different sections (e.g. air, water, enforcement) but I do have some sections that are cross cutting such as "communication with states" and "PFAS" which may warrant your attention. Alex, I do not have a "chemical" section, I used what you provided by spread it throughout the document. It is important that we are accurate because the letter will go to all 50 states. We are planning to send the letter on Wednesday, so if you or your staff could review it and provide any corrections to me by COB Tuesday, I would greatly appreciate it. If I don't hear back I will assume that you looked at it had no comment.

Finally, with a group this large trying to harmonize stylistic suggestions will be difficult in the time frame we have. I do welcome suggestions but will likely not have time to try and work through such comments. If you do have suggestions you think would be helpful please give me a call.

Thanks, I hope everyone is having a great weekend.

Doug

Message

From: Garvey, Megan [garvey.megan@epa.gov]
Sent: 1/15/2020 4:31:26 AM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: RE: one last review
Attachments: Final Markup State Letter - January 14 Draft Final - Submittal Version.docx

A few edits/comments.

Megan E. Garvey
Senior Counselor
720.376.9870

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Tuesday, January 14, 2020 5:18 PM
To: Garvey, Megan <garvey.megan@epa.gov>
Subject: one last review

Will you please look at this, we're just about done. There have been some edits.

Message

From: Fitzmorris, Amanda [fitzmorris.amanda@epa.gov]
Sent: 1/15/2020 4:04:31 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
CC: Dunlap, David [dunlap.david@epa.gov]
Subject: State Support Letter - ORD Edits
Attachments: Final Markup State Letter - January 11 Draft Final - Submittal Version_ORD.docx

Doug,

Please see attached for ORD's suggested edits.

Thanks,

Fitz

Amanda Fitzmorris
Office of Research and Development
O: 202-564-5744
Fitzmorris.Amanda@epa.gov

Message

From: Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Sent: 1/15/2020 8:51:19 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
Subject: FW: Letter - editing help
Attachments: Final Markup State Letter - January 15 Draft Final - Submittal Version_CopyEdits.docx

Hi Doug,

Nancy asked that I do a quick copy edits. Here are a few thoughts. I'm happy to go through it one more time before we're done to make sure that we've caught everything. I've also resized the charts. I can clean them up after the next round of review as well.

Please let me know if there's anything else I can do to help.

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Wednesday, January 15, 2020 3:07 PM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: FW: Letter - editing help

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Wednesday, January 15, 2020 12:47 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Letter - editing help

I want to give this to the administrator for his book tonight. Two of the tables are too big and look weird can OPA help.
Thanks

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 1/16/2020 12:56:50 AM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: FW: Letter to States
Attachments: DRAFT State Letter.docx

Doug, passing along comments from my career staff.

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

Message

From: Block, Molly [block.molly@epa.gov]
Sent: 1/22/2020 9:50:13 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Carter, Brittany S. [carter.brittany@epa.gov]; Pic, Jordan [pic.jordan@epa.gov]; Coxen, Carrie [cohen.carrie@epa.gov]
CC: Abboud, Michael [abboud.michael@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: RE: ECOS and EPA

How about this: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

On background: **Ex. 5 Deliberative Process (DP)**

From: Block, Molly
Sent: Wednesday, January 22, 2020 8:37 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Carter, Brittany S. <carter.brittany@epa.gov>; Pic, Jordan <pic.jordan@epa.gov>; Coxen, Carrie <cohen.carrie@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: FW: ECOS and EPA

Doug –

Can you help with this one? Is there anything we can pull from the letter you're working on? Thanks!

Molly

From: Kevin Bogardus <kbogardus@eenews.net>
Sent: Wednesday, January 22, 2020 7:23 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Press <Press@epa.gov>
Cc: awittenberg@eenews.net
Subject: ECOS and EPA

Hey everyone,

It's Kevin Bogardus with E&E News.

Myself and my colleague Ariel Wittenberg (who is CC'ed on this email) are working on a story about the relationship between EPA and the Environmental Council of the States after ECOS sent its Sept. 26, 2019 letter to EPA taking issue with the agency's "unilateral actions" that were not in "the spirit of cooperative federalism" (<https://www.ecos.org/wp-content/uploads/2019/09/ECOS-Sept-26-2019-Letter-to-Administrator-Wheeler.pdf>). We have obtained records from public records requests to state environmental agencies, which we will link to and quote from in our story (please see attached). I had a few questions about this, which are:

- We plan to quote from and link to emails that show EPA Associate Deputy Administrator Doug Benevento helped draft statements from state environmental agencies in Florida, Mississippi and Wyoming in opposition to

ECOS' Sept. 26, 2019 letter to EPA (please see Mississippi DEQ ECOS Letter Emails.pdf, Re_Statement.pdf, and Re_Response.pdf). We also plan to quote from and link to text messages that show Benvenuto helped draft a statement from the Arkansas Department of Environmental Quality in opposition to ECOS' Sept. 26, 2019 letter to EPA (please see Arkansas DEQ ECOS Letter Emails.pdf). Does EPA have any further comment on these records? What is the status of EPA's relationship with ECOS since ECOS' Sept. 26, 2019 letter to EPA? Has Administrator Wheeler met with the ECOS leadership team to discuss EPA's "unilateral actions," as requested in ECOS' Sept. 26, 2019 letter to EPA?

- Sources have told E&E News that Benevento called ECOS Executive Director Don Welsh after ECOS' Sept. 26, 2019 letter to EPA in response to that letter, which was described as a tense phone call. Can you confirm this phone call? How would you characterize this phone call?
- Sources told E&E News that an EPA detailee to ECOS was pulled back by EPA from ECOS after ECOS' Sept. 26, 2019 letter to EPA, which was seen as a retaliatory move by EPA against ECOS. Matt Klasen was an EPA employee on "a year-long detail" to ECOS, according to his online biography on ECOS' website (please ECOS Letter Emails Matt Klasen ECOS bio.PNG), which has since been removed from ECOS' website (<https://www.ecos.org/about-ecos/staff/matt-klasen/>). Klasen's LinkedIn profile says his detail to ECOS was from April 2019 to October 2019, a span of seven months, not a year, that ended after ECOS' Sept. 26, 2019 letter to EPA (<https://www.linkedin.com/in/matt-klasen-4251656/>). Why was Klasen's detail to ECOS cut short? Does EPA expect to send future detailees to ECOS? If so, when?
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Please get back to me as soon as possible. My deadline is noon EST Thursday, Jan. 23, but the sooner you get back to me, the more it helps my reporting. Thank you for your help.

Kevin Bogardus

E&E News Reporter

kbogardus@eenews.net

202-446-0401 (p)

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202-737-5299 (f)

Follow me [@KevinBogardus](#)

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EnergyWire, ClimateWire, E&E Daily, Greenwire, E&ENews PM, E&ETV

Message

From: Richardson, RobinH [Richardson.RobinH@epa.gov]
Sent: 1/22/2020 10:40:34 PM
To: Block, Molly [block.molly@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Carter, Brittany S. [carter.brittanys@epa.gov]; Pic, Jordan [pic.jordan@epa.gov]; Coxen, Carrie [coxen.carrie@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]
CC: Abboud, Michael [abboud.michael@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: RE: ECOS and EPA

Thank you Molly! I offer the following edit.

On background: **Ex. 5 Deliberative Process (DP)**

Thank you again, Robin

Robin H Richardson
Principal Deputy Associate Administrator
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-564-3358 (desk)
703-581-5814 (cell)
richardson.robinh@epa.gov

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, January 22, 2020 5:20 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Carter, Brittany S. <carter.brittanys@epa.gov>; Pic, Jordan <pic.jordan@epa.gov>; Coxen, Carrie <coxen.carrie@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: ECOS and EPA

Robin –

This is what we put together with Doug. How does this look?

DRAFT RESPONSE: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

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Sent: Wednesday, January 22, 2020 8:37 AM
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Cc: Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Schiermeyer, Corry

<schiermeyer.corry@epa.gov>

Subject: FW: ECOS and EPA

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Sent: Wednesday, January 22, 2020 7:23 AM

To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Press <Press@epa.gov>

Cc: awittenberg@eenews.net

Subject: ECOS and EPA

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Kevin Bogardus

E&E News Reporter

kbogardus@eenews.net

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202-737-5299 (f)

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EnergyWire, ClimateWire, E&E Daily, Greenwire, E&ENews PM, E&ETV

Message

From: Thiede, Kurt [thiede.kurt@epa.gov]
Sent: 1/28/2020 10:43:33 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
CC: Garvey, Megan [garvey.megan@epa.gov]
Subject: RE: State Letter - Final
Attachments: Final Markup State Letter - January 15 Draft Final.docx

Doug,

Thank you for your work on this. A great summary of the work we do with our state partners!

I had one possible addition for your consideration, and one edit. I included both in the attached.

Best,
Kurt

From: Benevento, Douglas
Sent: Tuesday, January 28, 2020 11:53 AM
To: Deziel, Dennis <Deziel.Dennis@epa.gov>; Lopez, Peter <lopez.peter@epa.gov>; Servidio, Cosmo <Servidio.Cosmo@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Thiede, Kurt <thiede.kurt@epa.gov>; McQueen, Ken <McQueen.Ken@epa.gov>; Gulliford, Jim <gulliford.jim@epa.gov>; Sopkin, Gregory <sopkin.gregory@epa.gov>; Stoker, Michael B. <stoker.michael@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Cc: Garvey, Megan <garvey.megan@epa.gov>
Subject: State Letter - Final

Attached is a letter the administrator will be sending to the states next week. Its purpose is to outline how EPA and the states have worked together over the past three years and to highlight our successes.

The letter has gone through a review but if you would review I would appreciate it, if you have factual issues with the letter please let me know and we can discuss them.

Thanks everyone, I hope you're having a good week.

Doug

Message

From: Block, Molly [block.molly@epa.gov]
Sent: 1/22/2020 1:37:08 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Carter, Brittany S. [carter.brittany@epa.gov]; Pic, Jordan [pic.jordan@epa.gov]; Coxen, Carrie [coxen.carrie@epa.gov]
CC: Abboud, Michael [abboud.michael@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: FW: ECOS and EPA
Attachments: 2019 10 18 LeFleur to Macy and Welsh of ECOS - October 21 Conference Call - ECOS Relationship with EPA.pdf; Arkansas DEQ ECOS Letter Emails.pdf; Re_ Statement.pdf; Re_ Response.pdf; ECOS Letter Emails Matt Klasen ECOS bio.PNG; Mississippi DEQ ECOS Letter Emails.pdf

Doug –

Can you help with this one? Is there anything we can pull from the letter you're working on? Thanks!

Molly

From: Kevin Bogardus <kbogardus@eenews.net>
Sent: Wednesday, January 22, 2020 7:23 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Press <Press@epa.gov>
Cc: awittenberg@eenews.net
Subject: ECOS and EPA

Hey everyone,

It's Kevin Bogardus with E&E News.

Myself and my colleague Ariel Wittenberg (who is CC'ed on this email) are working on a story about the relationship between EPA and the Environmental Council of the States after ECOS sent its Sept. 26, 2019 letter to EPA taking issue with the agency's "unilateral actions" that were not in "the spirit of cooperative federalism" (<https://www.ecos.org/wp-content/uploads/2019/09/ECOS-Sept-26-2019-Letter-to-Administrator-Wheeler.pdf>). We have obtained records from public records requests to state environmental agencies, which we will link to and quote from in our story (please see attached). I had a few questions about this, which are:

- We plan to quote from and link to emails that show EPA Associate Deputy Administrator Doug Benevento helped draft statements from state environmental agencies in Florida, Mississippi and Wyoming in opposition to ECOS' Sept. 26, 2019 letter to EPA (please see Mississippi DEQ ECOS Letter Emails.pdf, Re_Statement.pdf, and Re_Response.pdf). We also plan to quote from and link to text messages that show Benevento helped draft a statement from the Arkansas Department of Environmental Quality in opposition to ECOS' Sept. 26, 2019 letter to EPA (please see Arkansas DEQ ECOS Letter Emails.pdf). Does EPA have any further comment on these records? What is the status of EPA's relationship with ECOS since ECOS' Sept. 26, 2019 letter to EPA? Has Administrator Wheeler met with the ECOS leadership team to discuss EPA's "unilateral actions," as requested in ECOS' Sept. 26, 2019 letter to EPA?
- Sources have told E&E News that Benevento called ECOS Executive Director Don Welsh after ECOS' Sept. 26, 2019 letter to EPA in response to that letter, which was described as a tense phone call. Can you confirm this phone call? How would you characterize this phone call?

- Sources told E&E News that an EPA detailee to ECOS was pulled back by EPA from ECOS after ECOS' Sept. 26, 2019 letter to EPA, which was seen as a retaliatory move by EPA against ECOS. Matt Klasen was an EPA employee on "a year-long detail" to ECOS, according to his online biography on ECOS' website (please ECOS Letter Emails Matt Klasen ECOS bio.PNG), which has since been removed from ECOS' website (<https://www.ecos.org/about-ecos/staff/matt-klasen/>). Klasen's LinkedIn profile says his detail to ECOS was from April 2019 to October 2019, a span of seven months, not a year, that ended after ECOS' Sept. 26, 2019 letter to EPA (<https://www.linkedin.com/in/matt-klasen-4251656/>). Why was Klasen's detail to ECOS cut short? Does EPA expect to send future detailees to ECOS? If so, when?
- Lance LeFleur, director of the Alabama Department of Environmental Management, sent an Oct. 18, 2019 letter to ECOS taking issue with ECOS' Sept. 26, 2019 letter to EPA. "The letter does not show due deference for EPA as the major financial contributor to ECOS, without such support ECOS would likely not exist," LeFleur said (please see 2019 10 18 LeFleur to Macy and Welsh of ECOS - October 21 Conference Call - ECOS Relationship with EPA.pdf). Has EPA threatened to end or reduce its funding for ECOS? If so, when and how did EPA make this threat? And who from EPA made this threat and to whom?
- EPA has sent millions of dollars in grant funding to ECOS over the years (<https://www.usaspending.gov/#/search/3cc4b30828b1970ba6a0b9bdc948f6d0>), including recently a nearly \$1.26 million grant starting in October 2019 (https://www.usaspending.gov/#/award/ASST_NON_83967301_6800). Has EPA ended its five-year cooperative agreement with ECOS to support the Environmental Information Exchange Network, which this grant supports? If so, why?

Please get back to me as soon as possible. My deadline is noon EST Thursday, Jan. 23, but the sooner you get back to me, the more it helps my reporting. Thank you for your help.

Kevin Bogardus

E&E News Reporter

kbogardus@eenews.net

202-446-0401 (p)

202-247-7844 (c)

202-737-5299 (f)

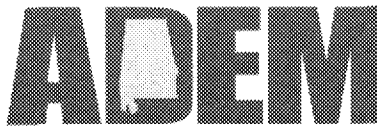
Follow me [@KevinBogardus](#)

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Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

October 18, 2019

Jim Macy
President, ECOS
VIA EMAIL jim.macy@nebraska.gov

Donald Welsh
Executive Director, ECOS
VIA EMAIL dwelsh@ecos.org

Gentlemen:

In anticipation of the October 21 conference call on how the ECOS relationship with EPA is to be managed this correspondence is to set out some thoughts from the Alabama Department of Environmental Management (ADEM).

Due to schedule conflicts I was unable to participate the Executive session on September 26 or the conference call on October 2. As best I can determine the letter from the Environmental Council of States dated September 26, 2019 addressed to Administrator Wheeler was in response to certain EPA correspondence with the State of California on that same date and a publication in the Federal Register. It may have also be in response to earlier EPA correspondence with officials in New Jersey.

It appears the states present at the Executive session believed EPA acted without an acceptable level of consultation with California and that action was indicative of a failure of EPA to properly engage in Cooperative Federalism. It also appears there was a concern that EPA failing to engage in an appropriate level of Cooperative Federalism with California is an affront to all states.

EPA's actions with California may very well have been inconsistent with expectations, however, I believe taking time to fully consider the matter would have resulted in a more reasoned response and would have been more productive. Given time to fully consider the matter before sending the letter might have put the issues in better perspective. For example, the September 26, 2019 letter from Andrew Wheeler to California Governor Newsom may have been tied in to other issues such as the automobile mileage controversy and the possibility of withholding certain federal funding from California. It may have been prompted by a genuine realization by EPA that it needed to exercise better oversight. These issues between EPA and California have been in play directly and indirectly for some time.

As regards the automobile mileage issue, both California and EPA have legitimate interests. While there has been an understanding that individual states generally have the option to develop environmental standards that are more stringent than EPA, in this specific case California's decision to implement a more stringent mileage standard is in effect binding on all states. California would be taking away the ability of



other states to utilize EPA standards. When a proposed action by a single state directly impacts all other states those other states and EPA are entitled to be part of the conversation.

I offer the following observations / opinions:

1. Consideration of the letter was not on the agenda for the meeting of the Executive Committee meeting on September 26, 2019.
2. There was no mention of such a letter being considered at any time prior to the Executive session that took place on September 26, 2019 which is inconsistent with long established ECOS past practice of advance notification of contemplated actions.
3. Without notice, adequate opportunity for consideration and input by all states was not afforded which is inconsistent with the ECOS principle of consensus action by ECOS.
4. The hasty process of developing and publishing the letter sets a bad precedent for future ECOS actions.
5. The tone of the letter is unnecessarily confrontational and inconsistent with any historical precedent of the ECOS organization in dealing with EPA.
6. The letter does not show due deference for EPA as the major financial contributor to ECOS, without such support ECOS would likely not exist.
7. The letter went to EPA without the courtesy of any advanced notice to EPA or some of the states and is a public blind side to EPA much the same as the EPA action that states find objectionable.
8. The letter damages (hopefully not irreparably) the goodwill and mutual respect developed between EPA and ECOS that has been developed since ECOS was organized.
9. The letter damages (hopefully not irreparably) the goodwill and mutual respect developed between the individual states that are members of ECOS that has been developed since ECOS was organized.
10. The letter does not clearly identify the EPA actions with which the author(s) take issue.
11. Although it has not been specifically made clear to me what the contentious issues prompting the letter are, it is my understanding the author(s) are referring to the concerns of several individual states, not issues deemed by all states to be areas for concern.
12. It is likely that the issues objected to by a few states are in fact supported by other states.
13. There are more appropriate avenues for individual state concerns to be expressed including state one-on-one conversations with EPA representatives or ECOS representatives having conversations with EPA representatives making it clear the views are only from a subset of all states.
14. During prior EPA administrations there were issues objected to by some states and supported by other states and if a consensus could not be reached ECOS did not select one point of view and reject the other and then present the selected position to be the consensus of all states.
15. States that do not agree with the letter are now perceived by EPA and the public as having agreed to the letter.
16. The letter very well may result in media incorrectly developing the narrative that the states are unanimously at odds with EPA and then using the narrative for partisan political purposes.

The process to develop the letter, the tone of the letter, the lack of specifics in the letter, the failure to first employ other options to address the issues, and the implication that the letter represents the

Jim Macy and Donald Welsh

10/18/19

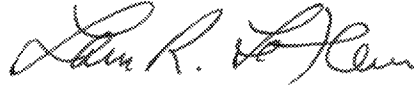
Page 3 of 3

consensus of all the states lead ADEM to suggest that a more thoughtful and measured approach would have been preferred.

I suggest efforts be made to de-escalate the situation. Engaging with EPA in a non-confrontational manner to address the areas of concern very well may lead to a more acceptable resolution for all and maintain mutually beneficial relationships.

I look forward to our conference call on Monday.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance R. LeFleur". The signature is fluid and cursive, with the first name "Lance" being more prominent.

Lance R. LeFleur

Director

LRL/lc

AT&T 5G

11:02 AM

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Doug

Thu, Sep 26, 6:16 PM

Becky, thanks for taking the time to speak with me today and for agreeing to include a supportive statement if we receive a press inquiry. May I include this statement from you,

Our relationship with EPA is much improved from previous years. Our relationship has been collaborative with respect to both process and substance. In particular we have



AT&T 5G

11:02 AM

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Doug

particular we have
appreciated EPA's work
on WOTUS and other
policy matters important
to Arkansas.

Thanks

I am but would
Suggest we add this at
end: I hope to see
states and EPA continue
to partner effectively in
our collective efforts
and commitment to
lasting and impactful
work.

To give final approval It



AT&T 5G

11:02 AM

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Doug >

To give final approval it would help if you can share a little more context so I can run it by my communications Person. What is your timing?

We will likely get a press call tomorrow. So it would be early. For context we are holding a statement that lists what work we have done with states ie moving fips to sips etc. and we would include supportive statements from states



Send Message



AT&T 5G

11:02 AM

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Doug

from states.

Thank you for your help.

This is the final
statement all put
together. Thanks Becky

Our relationship with
EPA is much improved
from previous years. Our
relationship has been
collaborative with
respect to both process
and substance. In
particular we have
appreciated EPA's work
on WOTUS and other
policy matters important



AT&T 5G

11:02 AM

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Doug

policy matters important
to Arkansas. I hope to
see the states and EPA
continue to partner
effectively in our
collective efforts and
commitment to lasting
and impactful work.
Thanks

ok with using the quote
provided your
communication person
can share an advance
copy with my
communications
director, Donnally
Davis,
davis@adeq.state.ar.us



AT&T 5G

11:03 AM

38%  



Doug

continue to partner
effectively in our
collective efforts and
commitment to lasting
and impactful work.
Thanks

ok with using the quote
provided your
communication person
can share an advance
copy with my
communications
director, Donnally
Davis,
davis@adeq.state.ar.us
early tomorrow.

Thank you



From: Todd Parfitt
To: Benevento, Douglas
Subject: Re: Statement
Date: Thursday, September 26, 2019 10:44:51 PM

Doug. Made a few changes. Mostly to the last sentence. Let me know if you have any questions/suggestions. Thanks.Todd

Wyoming's experience with EPA is positive and is more collaborative than it has been for many years. We have worked cooperatively together on numerous issues, including our ground breaking self-audit MOA, the Waters of the United States Rule, regional haze and more. Importantly, through implementation of cooperative federalism principles, we have significantly improved our relationship with EPA. I look forward to our continued efforts to enhance state/EPA collaboration and advance our joint goal of protecting human health and the environment.

On Thu, Sep 26, 2019, 4:31 PM Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Todd thanks for taking the time to speak with me. Based upon the call can I include this statement from you we would send out if we receive press calls?

Wyoming's experience with EPA is strong and is more collaborative than it has been for many years. We have worked cooperatively together on numerous issues, including our ground breaking self-audit MOA, the Waters of the United States Rule, regional haze and other issues. I can unequivocally state we have a much improved relationship with EPA.

From: [Benevento, Douglas](#)
To: [Miller, Dee Ann](#)
Subject: Re: Response
Date: Thursday, September 26, 2019 10:07:47 PM

Perfect thank you

Sent from my iPhone

On Sep 26, 2019, at 6:58 PM, Miller, Dee Ann <Dee.Ann.Miller@dep.state.fl.us> wrote:

Good Evening,

I am not sure if the Secretary had an opportunity to follow back up with you yet or not, so I wanted to reach out.

We are happy to offer a quote of support.

We would recommend perhaps a lead in of . . . Contrary to the assertions in the ECOS letter, the following states said:

Florida Department of Environmental Protection Secretary Noah Valenstein said, "Florida has a strong working relationship with EPA, a relationship that is much improved over the past several years. We appreciate EPA's collaborative approach to issues and we look forward to working with them to address key environmental issues important to Florida."

Please let us know if there is anything we can do to further assist.

Dee Ann Miller
Communications Director
Florida DEP

Sent from my iPad

Begin forwarded message:

From: "Valenstein, Noah" <Noah.Valenstein@dep.state.fl.us>
Date: September 26, 2019 at 6:31:52 PM EDT
To: "Miller, Dee Ann" <Dee.Ann.Miller@dep.state.fl.us>
Subject: FW: Response

From: "Benevento, Douglas" <benevento.douglas@epa.gov>
Date: Thursday, September 26, 2019 at 6:24 PM

To: "Valenstein, Noah" <Noah.Valenstein@dep.state.fl.us>

Subject: Response

Noah, we would add a paragraph noting that we have support from states, and that add in quotes.

Per your direction on what a quote from you would look like I would offer the following;

I disagree with the ECOS letter, Florida has a strong working relationship with EPA, a relationship that is much improved over the past several years. We appreciate EPA's collaborative approach to issues and we look forward to working with them to address key environmental issues important to Florida.



<ECOS response.docx>



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Matt Klasen



Matt Klasen joins the ECOS staff from the U.S. Environmental Protection Agency (EPA) for a year-long detail under the federal Intergovernmental Personnel Act program. Matt began his EPA career in 2007 as a Presidential Management Fellow, and has served in EPA's Office of Environmental Information, Office of Water, and the Office of the Administrator, as well as in EPA Region 9 (San Francisco) and at the Council on Environmental Quality. In his federal career, Matt has worked on diverse issues including environmental indicators, the U.S.-Mexico border environment, energy and climate measures, mountaintop removal mining, Clean Water Act jurisdiction, and Clean Water Act Section 404. Most recently, Matt served in EPA's Office of Congressional and Intergovernmental Relations as EPA's primary congressional point of contact on drinking water and water finance issues, including the State Revolving Funds, the Water Infrastructure Finance and Innovation Act, lead, and per- and polyfluoroalkyl substances. During his EPA career, Matt has been recognized with EPA gold, silver, and bronze medals for exceptional, superior, and commendable service. Matt has a B.A. in Environmental Studies and Political Science from Washington University in St. Louis and an MPA in Environmental Science and Policy from Columbia University.

- Email: mklasen@ecos.org
- Phone: 202-266-4925

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Donna Hodges

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Thursday, September 26, 2019 8:05 PM
To: Gary Rikard
Subject: RE: Statement

Made the change. Thanks Gary

Gary Rikard, Executive Director Mississippi Department of Environmental Quality, ECOS member
Over the past three years the State of Mississippi's relationship with EPA has improved and continues to improve. We have been more engaged with EPA on issues that are important to the people of Mississippi and they have been an important partner in protecting and improving public health and the environment in my State. EPA has treated the State as a partner and we have been pleased with the policy outcomes that have resulted from that collaboration. We look forward to working with EPA in the same manner in the years to come.

From: Gary Rikard <GRikard@mdeq.ms.gov>
Sent: Thursday, September 26, 2019 9:03 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: Re: Statement

Doug. I'm good with the statement except I'd like to change "significantly improved" to something along the lines of the relationship is "outstanding" or "the best it's ever been" or something similar; or change "significantly improved" to "improved and continues to do so". I'm uncomfortable with the term "significantly"
I'm about to be unavailable for the next 2 hours so provided you make that change then I'm good with it and you can proceed Just send me the final document, but you don't have to wait on my ok — thanks

Sent from my iPhone

On Sep 26, 2019, at 7:56 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Statement. Let me know what you think. Thanks

Gary Rikard, Executive Director Mississippi Department of Environmental Quality, ECOS member
Over the past three years the State of Mississippi's relationship with EPA has improved and continues to improve. We have been more engaged with EPA on issues that are important to the people of Mississippi and they have been an important partner in protecting and improving the public health and the environment. EPA has treated the State as a partner and we have been pleased with the policy outcomes that have resulted from that collaboration. We look forward to working with EPA in the same manner in the years to come.

Message

From: Abboud, Michael [abboud.michael@epa.gov]
Sent: 9/27/2019 1:02:59 AM
To: Benevento, Douglas [benevento.douglas@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Wright, Peter [wright.peter@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]
Subject: Re: updated

<https://twitter.com/alexcguillen/status/1177387366534778880?s=21>

Sent from my iPhone

On Sep 26, 2019, at 9:02 PM, Abboud, Michael <abboud.michael@epa.gov> wrote:

Nope nor email.

Sent from my iPhone

On Sep 26, 2019, at 9:01 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Did we get a call?

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Thursday, September 26, 2019 9:01 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>
Subject: Re: updated

Alex Guillen just published a story about the ecos letter.

Sent from my iPhone

On Sep 26, 2019, at 7:19 PM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

Ok...thank you!

Sent from my iPhone

On Sep 26, 2019, at 7:17 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

I will. I'm trying to collect them now. It will likely be in the morning.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Thursday, September 26, 2019 6:15 PM
To: Benevento, Douglas

<benevento.douglas@epa.gov>; Wright, Peter
<wright.peter@epa.gov>; Jackson, Ryan
<jackson.ryan@epa.gov>; Beach, Christopher
<beach.christopher@epa.gov>; Ross, David P
<ross.davidp@epa.gov>; Idsal, Anne
<idsal.anne@epa.gov>

Cc: Abboud, Michael <abboud.michael@epa.gov>

Subject: RE: updated

Thank you. If you would like, just compile the quotes,
and send to us in the text of the email...OPA will format
and add to the release.

From: Benevento, Douglas

<benevento.douglas@epa.gov>

Sent: Thursday, September 26, 2019 6:12 PM

To: Wright, Peter <wright.peter@epa.gov>;

Schiermeyer, Corry <schiermeyer.corry@epa.gov>;

Jackson, Ryan <jackson.ryan@epa.gov>; Beach,

Christopher <beach.christopher@epa.gov>; Ross, David

P <ross.davidp@epa.gov>; Idsal, Anne

<idsal.anne@epa.gov>

Subject: RE: updated

I have several states that are willing to provide
supportive quotes, I'll work on that and add to this.

From: Wright, Peter <wright.peter@epa.gov>

Sent: Thursday, September 26, 2019 6:09 PM

To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>;

Jackson, Ryan <jackson.ryan@epa.gov>; Beach,

Christopher <beach.christopher@epa.gov>; Benevento,

Douglas <benevento.douglas@epa.gov>; Ross, David P

<ross.davidp@epa.gov>; Idsal, Anne

<idsal.anne@epa.gov>

Subject: RE: updated

All:

I just got of the RA meeting and post-meeting and am
catching up to this matter. I do not have any
comments. It looks to be very responsive and on point.

Peter

From: Schiermeyer, Corry

<schiermeyer.corry@epa.gov>

Sent: Thursday, September 26, 2019 5:49 PM

To: Jackson, Ryan <jackson.ryan@epa.gov>; Beach,

Christopher <beach.christopher@epa.gov>; Benevento,

Douglas <benevento.douglas@epa.gov>; Ross, David P

<ross.davidp@epa.gov>; Idsal, Anne

<idsal.anne@epa.gov>; Wright, Peter

<wright.peter@epa.gov>

Subject: RE: updated

Please see attached. Chris and I made some grammatical, stylistic and overall word choice edits. Please take a read through.

Thank you!

From: Jackson, Ryan <jackson.ryan@epa.gov>

Sent: Thursday, September 26, 2019 5:26 PM

To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>;

Beach, Christopher <beach.christopher@epa.gov>;

Benevento, Douglas <benevento.douglas@epa.gov>;

Ross, David P <ross.davidp@epa.gov>; Idsal, Anne

<idsal.anne@epa.gov>; Wright, Peter

<wright.peter@epa.gov>

Subject: updated

Final version.

OPA, please edit the attached "ECOS response." We received the attached PDF from ECOS this evening, and we will receive media inquiries for our response. I don't think we send out anything proactive, but when we are asked we need to send the ECOS response document. Please edit ASAP and redistribute to this email.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999
jackson.ryan@epa.gov

Message

From: Miller, Dee Ann [Dee.Ann.Miller@dep.state.fl.us]
Sent: 9/27/2019 1:57:47 AM
To: Benevento, Douglas [benevento.douglas@epa.gov]
CC: Noah Valenstein [noah.valenstein@dep.state.fl.us]
Subject: Fwd: Response
Attachments: ECOS response.docx; ATT00001.htm

Good Evening,

I am not sure if the Secretary had an opportunity to follow back up with you yet or not, so I wanted to reach out.

We are happy to offer a quote of support.

We would recommend perhaps a lead in of . . . Contrary to the assertions in the ECOS letter, the following states said:

Florida Department of Environmental Protection Secretary Noah Valenstein said, "Florida has a strong working relationship with EPA, a relationship that is much improved over the past several years. We appreciate EPA's collaborative approach to issues and we look forward to working with them to address key environmental issues important to Florida."

Please let us know if there is anything we can do to further assist.

Dee Ann Miller
Communications Director
Florida DEP

Sent from my iPad

Begin forwarded message:

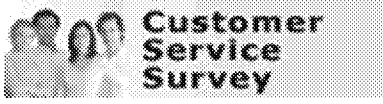
From: "Valenstein, Noah" <Noah.Valenstein@dep.state.fl.us>
Date: September 26, 2019 at 6:31:52 PM EDT
To: "Miller, Dee Ann" <Dee.Ann.Miller@dep.state.fl.us>
Subject: FW: Response

From: "Benevento, Douglas" <benevento.douglas@epa.gov>
Date: Thursday, September 26, 2019 at 6:24 PM
To: "Valenstein, Noah" <Noah.Valenstein@dep.state.fl.us>
Subject: Response

Noah, we would add a paragraph noting that we have support from states, and that add in quotes.

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I disagree with the ECOS letter, Florida has a strong working relationship with EPA, a relationship that is much improved over the past several years. We appreciate EPA's collaborative approach to issues and we look forward to working with them to address key environmental issues important to Florida.



Response to ECOS Letter to EPA Administrator Wheeler

The Trump Administration's Environmental Protection Agency has worked with individual State Departments of Environmental Quality in a manner unlike the previous Administration, and it will continue to consistently work with states on issues the previous Administration ignored, such as approval of state air and water quality plans and cleaning some of the worst contaminated sites.

Under the Trump Administration, EPA inherited a backlog of 700 unacted upon State Implementation Plans (SIPs) that States use to set clean air standards, including the 127 SIPs California submitted to EPA. Of those from California, not one plan resulted in California reaching attainment with air quality standards. In fact, with 127 backlogged SIPs, California has by far the largest backlog of any state in the nation. Of the more than 700 SIPs EPA inherited from the previous Administration, the Agency has been able to take actions on over 400 since President Trump took office.

The previous Administration imposed more than 50 Federal Implementation Plans (FIPs) on States. That is 10 times the number of FIPs imposed by the three previous administrations combined. President Trump's EPA has been working since day one to convert these FIPs back to SIPs, averaging almost one FIP-to-SIP per month since March 2017.

EPA has made it a priority to restore the appropriate balance between federal and state management of water resources within state borders. Since January 2017, EPA has approved 231 state water quality standards and has reduced its backlog of outstanding actions by approximately 20 percent. Since January 2017, EPA has approved more than 5,000 state Total Maximum Daily Loads (TMDLs) submitted by states. EPA has acted on approximately 70 lists of impaired waters submitted by states, nearly eliminating the backlog of state submittals that had developed under the last administration.

Since January 2017, approximately 110 waterbodies have been partially or fully restored through Section 319 grant program projects, and 590 new projects have been initiated through EPA funding. EPA has stood up the WIFIA program and has closed 12 WIFIA loans, totaling more than \$3 billion in investments to help finance over \$7 billion in new infrastructure. In the last two years, the Clean Water and Drinking Water State Revolving Funds have financed approximately \$20 billion in 4,500 new water quality projects.

In February 2019, EPA issued a new policy to incentivize state water quality trading programs, reducing impediments instituted by prior administrations, allowing for market-based mechanisms. Additionally, EPA issued a policy directive to the Regional Administrators in June 2019 designed to expedite review of state water quality standard submissions while ensuring EPA complies with Clean Water Act statutory deadlines.

Last year, EPA deleted all or part of 22 sites from the National Priorities List, the largest number of deletions in one year since 2005. This year, EPA is on track to complete even more sites. Each year EPA has awarded millions in Brownfield grants to local recipients further cleaning up

contaminated sites in our communities restoring them new economic vitality. In June, EPA awarded over \$64 million in new investments to 149 communities across the Nation through our Brownfields Multipurpose, Assessment and Cleanup Grants. Forty-percent of the selected communities are receiving Brownfields funding for the first time, which means that we are reaching communities that have not been reached before.

On these and many other issues important to States, EPA will continue to work directly with State Departments of Environmental Quality on issues important to assist them in their missions to protect human health and the environment. EPA's senior leadership has been meeting at the Environmental Council of the States (ECOS) conference this week in Seattle and found these meeting to have been productive. EPA believes it fulfills ECOS' request in its statement today.

When a State fails to safeguard the health of their citizens, the EPA has and will step in to fill that void, whether it is ensuring that States submit SIPs which show attainment, fulfill their obligations under delegated water programs, or provide safe sources of drinking water when contaminants are present.

###

Message

From: Benevento, Douglas [benevento.douglas@epa.gov]
Sent: 9/27/2019 2:10:43 AM
To: toby.baker@tceq.tx.gov
Subject: Fwd: ECOS Letter on State-Federal Cooperation
Attachments: ECOS Sept 26 2019 Letter to Administrator Wheeler.pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

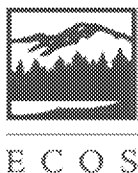
From: Donald Welsh <dwelsh@ecos.org>
Date: September 26, 2019 at 1:30:22 PM PDT
To: wheeler.andrew@epa.gov
Cc: "Carter, Brittany S." <carter.brittany@epa.gov>, "Benevento, Douglas" <benevento.douglas@epa.gov>, Jim Macy <jim.macy@nebraska.gov>, "Keogh, Becky" <keogh@adeq.state.ar.us>, Patrick McDonnell <pmcdonnell@pa.gov>, Ben Grumbles <ben.grumbles@maryland.gov>
Subject: ECOS Letter on State-Federal Cooperation

Dear Administrator Wheeler,

Please see the attached letter, sent on behalf of the ECOS membership.

--

Donald S. Welsh
Executive Director
Environmental Council of the States
NOTE OUR NEW ADDRESS:
1250 H Street NW, Suite 850
Washington, DC 20005
202-266-4929



Environmental Council of the States

1250 H Street NW, Suite 850 | Washington, DC 20005
(202) 266-4920 | www.ecos.org

Administrator Andrew R. Wheeler
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

Sent via email to wheeler.andrew@epa.gov

September 26, 2019

Administrator Wheeler,

Today at the ECOS 2019 Fall Meeting in Seattle, Washington, the membership approved the following statement:

Constructive, collaborative, and respectful engagement between state and federal governments is an essential element in the protection of our nation's public health and environment. ECOS, as the nonprofit, nonpartisan association of state and territorial environmental agency leaders, is concerned that recent communications and actions by U.S. EPA are damaging this engagement and eroding our ability to jointly protect our citizens and the environment.

ECOS is seriously concerned about a number of unilateral actions by U.S. EPA that run counter to the spirit of cooperative federalism and to the appropriate relationship between the federal government and the states who are delegated the authority to implement federal environmental statutes.

Recent letters to states and Federal Register notices that lacked discussion with and notification to states violate the principles of Cooperative Federalism 2.0.

We are concerned about the lack of advance consultation with states and the impact of these and several other actions on the ability of states to protect human health and the environment, and call on U.S. EPA to return to the appropriate relationship with the states as coregulators under our nation's environmental protection system.

We respectfully demand that the U.S. EPA Administrator and senior leadership immediately meet with the ECOS leadership team to discuss these concerns.

Sincerely,

Donald S. Welsh

202-266-4920
dwelsh@ecos.org

CC: ECOS Officers

Jim Macy
Nebraska Department of
Environment and Energy
ECOS President

Patrick McDonnell
Pennsylvania Department of
Environmental Protection
ECOS Vice President

Ben Grumbles
Maryland Department of the
Environment
ECOS Secretary-Treasurer

Becky Keogh
Arkansas Department of Energy and
Environment
ECOS Past President

Donald Welsh
ECOS Executive Director

Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 9/27/2019 2:06:45 PM
To: Abboud, Michael [abboud.michael@epa.gov]; Block, Molly [block.molly@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]
CC: Benevento, Douglas [benevento.douglas@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: ECOS response
Attachments: ECOS response.docx

This is the latest...still waiting on info from Texas and OK, that I know of.

Corry Schiermeyer
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
Schiermeyer.corry@epa.gov
202-564-6782

Response to ECOS Letter to EPA Administrator Wheeler

The Trump Administration's Environmental Protection Agency has worked with individual State Departments of Environmental Quality in a manner unlike the previous Administration, and it will continue to consistently work with states on issues the previous Administration ignored, such as approval of state air and water quality plans and cleaning some of the worst contaminated sites.

Under the Trump Administration, EPA inherited a backlog of 700 unacted upon State Implementation Plans (SIPs) that States use to set clean air standards, including the 127 SIPs California submitted to EPA. Of those from California, not one plan resulted in California reaching attainment with air quality standards. In fact, with 127 backlogged SIPs, California has by far the largest backlog of any state in the nation. Of the more than 700 SIPs EPA inherited from the previous Administration, the Agency has been able to take actions on over 400 since President Trump took office.

The previous Administration imposed more than 50 Federal Implementation Plans (FIPs) on States. That is 10 times the number of FIPs imposed by the three previous administrations combined. President Trump's EPA has been working since day one to convert these FIPs back to SIPs, averaging almost one FIP-to-SIP per month since March 2017.

EPA has made it a priority to restore the appropriate balance between federal and state management of water resources within state borders. Since January 2017, EPA has approved 231 state water quality standards and has reduced its backlog of outstanding actions by approximately 20 percent. Since January 2017, EPA has approved more than 5,000 state Total Maximum Daily Loads (TMDLs) submitted by states. EPA has acted on approximately 70 lists of impaired waters submitted by states, nearly eliminating the backlog of state submittals that had developed under the last administration.

Since January 2017, approximately 110 waterbodies have been partially or fully restored through Section 319 grant program projects, and 590 new projects have been initiated through EPA funding. EPA has stood up the WIFIA program and has closed 12 WIFIA loans, totaling more than \$3 billion in investments to help finance over \$7 billion in new infrastructure. In the last two years, the Clean Water and Drinking Water State Revolving Funds have financed approximately \$20 billion in 4,500 new water quality projects.

In February 2019, EPA issued a new policy to incentivize state water quality trading programs, reducing impediments instituted by prior administrations, allowing for market-based mechanisms. Additionally, EPA issued a policy directive to the Regional Administrators in June 2019 designed to expedite review of state water quality standard submissions while ensuring EPA complies with Clean Water Act statutory deadlines.

Last year, EPA deleted all or part of 22 sites from the National Priorities List, the largest number of deletions in one year since 2005. This year, EPA is on track to complete even more sites. Each year EPA has awarded millions in Brownfield grants to local recipients further cleaning up

contaminated sites in our communities restoring them new economic vitality. In June, EPA awarded over \$64 million in new investments to 149 communities across the Nation through our Brownfields Multipurpose, Assessment and Cleanup Grants. Forty-percent of the selected communities are receiving Brownfields funding for the first time, which means that we are reaching communities that have not been reached before.

On these and many other issues important to States, EPA will continue to work directly with State Departments of Environmental Quality on issues important to assist them in their missions to protect human health and the environment. EPA's senior leadership has been meeting at the Environmental Council of the States (ECOS) conference this week in Seattle and found these meetings to have been productive. EPA believes it fulfills ECOS' request in its statement today.

When a State fails to safeguard the health of their citizens, the EPA has and will step in to fill that void, whether it is ensuring that States submit SIPs which show attainment, fulfill their obligations under delegated water programs, or provide safe sources of drinking water when contaminants are present.

###

Contrary to the assertions in the ECOS letter, the following States said:

Becky Keogh, Secretary of Arkansas Department of Energy and Environment and Immediate past president of ECOS:

Our relationship with EPA is much improved from previous years. Our relationship has been collaborative with respect to both process and substance. In particular we have appreciated EPA's work on WOTUS and other policy matters important to Arkansas. I hope to see the states and EPA continue to partner effectively in our collective efforts and commitment to lasting and impactful environmental protection.

Noah Valenstein, Secretary of Florida Department of Environmental Protection:

Florida has a strong working relationship with EPA, a relationship that is much improved over the past several years. We appreciate EPA's collaborative approach to issues, and we look forward to working with them to address key environmental issues important to Florida.

Gary Rikard, Executive Director, Mississippi Department of Environmental Quality, ECOS member:

Over the past three years the State of Mississippi's relationship with EPA has improved and continues to improve. We have been more engaged with EPA on issues that are important to the people of Mississippi and they have been an important partner in protecting and improving public health and the environment in my State. EPA has treated the State as a partner and we have been pleased with the policy outcomes that have resulted from that collaboration. We look forward to working with EPA in the same manner in the years to come.

Austin Caperton, West Virginia Department of Environmental Protection and ECOS Member:

The State of West Virginia has appreciated the strong working relationship we have had with EPA over the past couple of years. We have worked together jointly on numerous issues and have always appreciated EPA's accessibility and the policy outcomes that have benefited the people of West Virginia our environment. There has been a strong partnership between our Governor and the executive branch of the United States government. We look forward to building upon this positive relationship moving forward.

Todd Parfitt, Director, Wyoming Department of Environmental Quality:

Wyoming's experience with EPA is positive and is more collaborative than it has been for many years. We have worked cooperatively together on numerous issues, including our ground-breaking self-audit MOA, the Waters of the United States Rule, regional haze and more. Importantly, through implementation of cooperative federalism principles, we have significantly improved our relationship with EPA. I look forward to our continued efforts to enhance state/EPA collaboration and advance our joint goal of protecting human health and the environment.

###

Message

From: Caperton, Austin [Austin.Caperton@wv.gov]
Sent: 9/27/2019 2:59:10 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; davis@adeq.state.ar.us
CC: Benevento, Douglas [benevento.douglas@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: [External] Thank you
Attachments: ECOS response.docx

Thank you. Good work.

Austin Caperton
DEP Cabinet Secretary

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Friday, September 27, 2019 7:10:00 AM
To: davis@adeq.state.ar.us <davis@adeq.state.ar.us>; Caperton, Austin <Austin.Caperton@wv.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: [External] Thank you

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are expecting the content. -- WV Office of Technology

Thank you for contributing to our response to the letter from ECOS to EPA Administrator Wheeler.

Attached is what we have at this time. I expect Doug will be sending me more quotes from more States to add.

This is only being used in response to inquiries, we have not proactively released this statement. When/if we do, we will follow up with another email to let you know.

Please let us know if you have any questions.

Thank you!

Corry Schiermeyer
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
Schiermeyer.corry@epa.gov
202-564-6782

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Wyoming's experience with EPA is positive and is more collaborative than it has been for many years. We have worked cooperatively together on numerous issues, including our ground-breaking self-audit MOA, the Waters of the United States Rule, regional haze and more. Importantly, through implementation of cooperative federalism principles, we have significantly improved our relationship with EPA. I look forward to our continued efforts to enhance state/EPA collaboration and advance our joint goal of protecting human health and the environment.

###

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/26/2019 10:30:59 PM
To: Todd Parfitt [todd.parfitt@wyo.gov]
Subject: Statement

Todd thanks for taking the time to speak with me. Based upon the call can I include this statement from you we would send out if we receive press calls?

Wyoming's experience with EPA is strong and is more collaborative than it has been for many years. We have worked cooperatively together on numerous issues, including our ground breaking self-audit MOA, the Waters of the United States Rule, regional haze and other issues. I can unequivocally state we have a much improved relationship with EPA.

Message

From: Benevento, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93DBA0F4F0FC41C091499009A2676F89-BENEVENTO,]
Sent: 9/27/2019 2:50:27 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Re: Statement

Same with Noah he runs Florida's programs

Sent from my iPhone

On Sep 27, 2019, at 7:26 AM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

Got it...thank you!

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Friday, September 27, 2019 10:16 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Statement

Sorry Todd Parfitt. He heads up Wyoming DEQ. Could you look up his official title please?

Sent from my iPhone

On Sep 27, 2019, at 7:00 AM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

Thank you...I will google, but do we have a title and name to attribute this statement?

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Friday, September 27, 2019 8:02 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Fwd: Statement

Add to statement please

Sent from my iPhone

Begin forwarded message:

From: Todd Parfitt <todd.parfitt@wyo.gov>
Date: September 26, 2019 at 9:44:51 PM PDT
To: "Benevento, Douglas" <benevento.douglas@epa.gov>
Subject: Re: Statement

Doug. Made a few changes. Mostly to the last sentence. Let me know if you have any questions/suggestions. Thanks.Todd

Wyoming's experience with EPA is positive and is more collaborative than it has been for many years. We have worked cooperatively together on numerous issues, including our ground breaking self-audit MOA, the Waters of the United States Rule, regional haze and more. Importantly, through implementation of cooperative federalism principles, we have significantly improved our relationship with EPA. I look forward to our continued efforts to enhance state/EPA collaboration and advance our joint goal of protecting human health and the environment.

On Thu, Sep 26, 2019, 4:31 PM Benevento, Douglas
<benevento.douglas@epa.gov> wrote:

Todd thanks for taking the time to speak with me. Based upon the call can I include this statement from you we would send out if we receive press calls?

Ex. 5 Deliberative Process (DP)

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.